

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 19 of 2015

IN

Civil Writ Jurisdiction Case No 23245 of 2012

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Santosh Kumar Mishra son of Sri Vidya Mishra resident of Mohalla Nayatola,
Purana Bazar Lakhisarai, P.S. Lakhisarai, Dist - Lakhisarai.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary Department of Personnel and Administrative Reforms, Bihar, Patna.
2. The District Magistrate, Nawada.
3. The District Programme Officer (Establishment), Nawada.
4. The District Education Officer, Nawada.
5. The Block Development Officer Sirdala (Nawada).
6. The Block Education Officer Sirdala Nawada.

.... Respondent/s

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Appearance :

For the Appellant/s : M/s S Azeem & Shankar Kumar, Advocates

For the Respondent/s : Mr Sanjay Kumar, AC to SC 10

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-09-2015

There is delay in filing the appeal. Delay is condoned.

2 Heard the parties.

3 The learned Single Judge dismissed the writ petition on the ground that the writ petitioner had sought compassionate appointment in place of his late mother. He had moved the Writ Court 17 years after her death. The whole purpose of compassionate appointment is to remove or protect against an unanticipated demise

and consequential effect on the family. The writ petitioner claimed to be adopted son of his late mother.

4 In our view, learned Single Judge has not erred in dismissing the writ petition for no compassionate appointment can be ordered after 17 years of the right having accrued. It is not a right which is enforceable. The learned Single Judge has refused to exercise his discretion in the matter.

5 We find no error in the order of the learned Single Judge. This appeal is dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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