

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1776 of 2016
Arising out of
Civil Review No. 126 of 2016**

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1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna.
 3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
 4. The Director General of Police, Bihar, Old Secretariat, Patna.
 5. The Joint Secretary, General Administrative Department, Government of Bihar, Patna.
 6. The Inspector General of Police (Welfare), Bihar, Patna.
 7. The Assistant Inspector General of Police (Welfare), Bihar, Patna.
 8. The Superintendent of Police (A), Special Branch, Bihar, Patna.

.... Appellant/s

Versus

Sunny Kumar Singh, S/o Late Awadhesh Narayan Singh, Resident of Village-Indira, Nagar Lallyahi, P.O.- New Jut Mill, P.S. Mirchai Bari, District- Katihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vivek Prasad, G.P. 7
Mr. Sanjay Kumar Ojha, A.C. to G.P. 7
For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 23-12-2016**



Re.:I.A. No. 7253 of 2016

The application is for condonation of delay of 16 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 16 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 7253 of 2016 is allowed and delay of 16 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 1776 of 2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order dated 20th of July, 2016 passed by the learned Single Bench of this Court in Civil Review No. 126 of 2016, whereby the Review Petition filed by the appellants for review of the order dated 3rd of September, 2014 passed in C.W.J.C. No. 8956 of 2013 was dismissed.

3. The learned Single Bench has found that there is no error apparent on record. The writ-applicant is seeking appointment on compassionate grounds. The decision of the State Government to decline the request for compassionate appointment was set aside by



the learned Single Bench. The learned Single Bench ordered as follows:-

“In view of the aforesaid decision, this Court, therefore, is inclined to quash the impugned decision of the Committee dated 06.03.2012 (Annexure-9) and remand the matter back to the Central Compassionate Appointment Committee for a decision afresh after calling for a proper inquiry report from a responsible functionary of the government at a middle level and thereafter to take the decision in the light of the observation in the decision as mentioned above. It is expected that the Committee will bestow its consideration and take final decision expeditiously and preferably within four months from the date of receipt/production of this order.”

4. The grievance of the appellants is that though the matter has been referred to the Central Compassionate Appointment Committee but the direction is to decide in the light of the observations made in the order, therefore, there is no option for the Central Compassionate Appointment Committee but to appoint the writ-applicant on compassionate grounds.

5. We find that the apprehension of the appellants is misconceived. Once the matter has been remanded back to the Central Compassionate Appointment Committee, it is competent to take a decision in the light of the Inquiry Report which it may obtain and decide the claim of compassionate appointment in accordance with law.

6. We do not find any error in the order passed by the



learned Single Bench which may warrant interference in the present Letters Patent Appeal.

7. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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