

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8202 of 2013

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Ravi Shankar Kumar S/o Nirmal Thakur, R/o Village- Areroj, P.S.- Gobindganj,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Accountant General, Bihar, Patna
3. The Chief Medical Officer-cum-Civil Surgeon, East Champaran, Motihari
4. Incharge Medical Officer, Primary Health Centre, Pahapur
5. Shri Prabhunath Thakur S/o Late Yodha Thakur, R/o Village- Ram Nagar, P.S.-
Bairiya, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh,
For the Respondent/s : Mr. AC to AAG-12
Mr. Uday Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-05-2016

It appears that the present application has been filed raising a grievance against the appointment of Respondent No. 5, namely, Prabhunath Thakur who was appointed on compassionate ground on the death of Hari Thakur.

The ground has been taken in the writ application that son-in-law cannot be said to be dependant on his father-in-law and so much so when other nearest heir i.e. wife is alive, the question of the appointment of son-in-law does not arise, especially, in a situation when she herself has shown her desire for her appointment on account of death of her husband, but instead of appointing her,

Respondent no. 5 was appointed illegally.

It appears from the averment made in the writ application as well as in the counter affidavit, after death of Hari Thakur, Respondent no. 5 was appointed.

It is claimed by the State, as there was no scheme for appointment of compassionate ground before year 1977, the scheme of compassionate appointment has been introduced in the year 1977.

From the record it appears that Respondent no. 5 was appointed in the year 1971, has already superannuated in the year 2012 and after his superannuation, this present application has been filed and it does not show, in what capacity, the petitioner has filed the present application, does not emerge, he is the person aggrieved, has locus standi to challenge the appointment of Respondent no. 5.

In such view of the matter, this petition has wrongly been filed, is completely misconceived. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Maresh/-

AFR/NAFR	NAFR
CAV DATE	
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