

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.661 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 16066 of 2012

Md. Intekhab Ahmad S/o Late Md. Kalimuddin Resident of Mohalla- Maulana
Chuk lane, P.O.- Tatarpur, P.S.- Mojahidpur, District- Bhagalpur

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Old Secretariat, Patna
3. The Director, Mass Education, Government of Bihar, Patna
4. The District Magistrate, Banka
5. The District Education Officer, Banka
6. Shanaj Begum, Wife of Late Md. Kalimuddin resident of Mohalla- Maulana Chuck Lane, P.O.- Tatarpur, Police Station- Mojahidpur, District- Bhagalpur

.... Respondents

Appearance:

For the Appellant/s : Mr. Chakrapani, Advocate.
Mr. Madhuresh Singh, Advocate.
For the Respondent No. 6 : Mr. Sanjay Kumar Singh, Advocate.
For the State : Md. Nasrul Hoda Khan, SC-1.
Md. Harun Quereshi, AC to SC-1.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-10-2016

The present Letters Patent Appeal has been preferred by the appellant for setting aside the order dated 23.10.2013 passed by the learned Single Bench in C.W.J.C. No. 16066 of 2012, whereby the claim of the appellant for appointment on compassionate ground on account of death of his father on 14.11.1994 remained unsuccessful.

2. The learned Single Bench has rejected the claim of the appellant on two grounds. Firstly, that the father of the appellant

was a retrenched employee and, therefore, the appellant had no right to seek appointment on compassionate ground and, secondly, the claim of the appellant for appointment on compassionate ground is delayed.

3. The father of the appellant died on 14.11.1994, whereas the claim of the appointment was firstly raised in the year 2010 i.e. almost 16 years after the death. Appointment on compassionate ground is to meet the immediate financial stringency which the family suffers on account of untimely death. This is not the source of recruitment which can be claimed by the legal heir at his sweet will.

4. In view of the long time gap between the date of death and the claim of the appellant, we do not find that such claim can be directed to be considered at this stage and has been rightly not directed by the Learned Single Judge.

5. Accordingly, this present Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Mishra/-

AFR/NAFR	A.F.R.
CAV DATE	N.A.
Uploading Date	22.10.2016
Transmission Date	