

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3501 of 2015

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Sanjeev Kumar, S/o Late Deo Nath Singh, Resident of Mohalla- Sanjay Cinema Road, P.S. Brahmapura, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Personnel and Administrative Reforms, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. Smt. Nirmala Singh, D/o Late Bishwanath Prasad Singh, W/o Prem Sankar Prasad Singh At present posted at Planning and Development Office Pakri Dayal, P.S. Pakridayal, District East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Respondent/s : Mr. Binay Kr. Pandey, A.C. to G.A.-2

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 30-11-2016

The challenge in the present writ petition is to appointment of respondent no.4 on compassionate ground as Office Clerk.

The argument of learned counsel for the petitioner is that she has been appointed on compassionate ground though her father is alive. Apart from the reason that public interest litigation in service matter is not maintainable as held by this Court in CWJC No.21601 of 2014 (Samrendra Kumar Sudhansu Vs. The State of Bihar & Ors.) decided on 21.11.2016, we find the contention of the



petitioner to be wholly untenable in view of Annexure-1.

A perusal of the Annexure-1 shows that father of the petitioner was not working since the year 1972 on account of mental imbalance. She is the only family member, who was appointed in the year 1991 after clarification from the State Government.

In view of the said fact, we find that the present petition is a gross abuse of the process of law challenging the appointment of respondent no.4 after more than 25 years. We dismiss the same with cost of Rs.10,000/- (Rupees ten thousand) to be deposited with the Patna High Court Legal Services Committee within one month.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Sunil

AFR/NAFR	A. F. R.
CAV DATE	N. A.
Uploading Date	02.12.2016
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