

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Miscellaneous Appeal No.70 of 2015
Arising out of
Miscellaneous Jurisdiction Case No. 1102 of 2014**

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1. Meena Devi wife of Late Penda Hembrum @ Ponda Hembrum.
 2. Thakur Hembrum Son of Late Penda Hembrum alias Ponda Hembrum. Both Resident of village - Letwa, P.O. - Tetaria, P.S. - Katoria, District - Banka.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Director, Higher Education Department, Government of Bihar, Patna namely Dr. Sitaram Singh.
3. The Principal Government Women's College, Gulzarbagh, Patna, namely Dr. (Smt.) Vijaya Laxmi Sinha.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. V. R. P. Singh, Advocate.
Mr. Madhukar Pandey, Advocate.
For the Respondent/s : Mr. Raghwanand, AC to GA-11.

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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: 23-11-2016

Re: I.A. No. 1957 of 2015

This application is for condonation of delay of 25 days in filing the Miscellaneous Appeal.

For the reasons mentioned in the Interlocutory application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 25 days in filing the present Miscellaneous Appeal.

Consequently, Interlocutory Application No. 1957 of 2015 is allowed and delay of 25 days in filing the Miscellaneous Appeal is condoned.

Re.: M.A. No. 70 of 2015

The challenge in the present appeal is to an order passed by the learned Single Bench on 17.12.2014 whereby, the contempt application filed by the appellant was dismissed on account of bar of limitation.

The husband of the appellant no.1 died on 26.09.1995. The appellant claimed appointment on compassionate ground by way of a writ petition filed in the year 2003. The same was allowed on 17.03.2004 when the matter was remitted back to the authorities to reconsider the claim of the appellant no.1 for appointment on compassionate ground within a period of three months.

Since the question of appointment was not considered, the appellant filed a contempt application in the year 2014 which has been dismissed in view of the Section 20 of the Contempt of Court Act, 1971 that is on account of bar of limitation.

We find that the appellant no.1 is not entitled to any indulgence. Firstly, the appellant no.1 lost her husband in the year 1995, but filed the writ petition eight years later. Secondly, the appellant no. 1 invoked the contempt jurisdiction after ten years of passing of the order by the learned Single Bench. It is a case of contemptuous delay which does not warrant consideration of appointment on compassionate ground.

The appointment on compassionate ground is granted to meet the immediate financial stringency faced by the family. After

more than 21 years, it cannot be said that the appellant continues to be in financial stringency warranting consideration of appointment on compassionate ground.

We do not find any merit in the present appeal. Accordingly, the same is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	A.F.R.
CAV DATE	N.A.
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