

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.741 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 505 of 2014

Along with

Interlocutory Application No. 3780 of 2014

=====

Aparna Das, D/o Late Birendra Lal Das, resident at House no. 24/h2, Mandir Marg,
West Anandpuri, Boring Road Patna, P.O. & P.S. Sri Krishnapuri, District- Patna.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar
2. The District Education Officer, Patna.
3. The Secretary of Ram Mohan Rai Seminri School, Khajanchi Road, Patna.
4. The Headmaster, Ram Mohan Rai Seminri School, Khajanchi Road, Patna.
5. The Managing Committee, through its members, Ram Mohan Rai Seminri School, Khajanchi Road, Patna.

.... Respondents- Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shankar Kumar, Advocate

For the Respondent/s : Mr. Vivik Prasad, G.P. 7

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-09-2016

Re.: Interlocutory Application No. 3780 of 2014

The application is for condonation of delay of 72
days in filing of the appeal.

For the reasons mentioned in the application, we
find that sufficient cause is disclosed for condonation of delay.

Consequently, the delay of 72 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No. 741 of 2014

The challenge in the present Letters Patent Appeal is to an order passed by the learned single Bench of this Court on 16.01.2014 in C.W.J.C. No. 505 of 2014 whereby the claim of the appellant for appointment on compassionate ground remained unsuccessful.

The mother of the appellant was teacher in a private school. She died on 13th January, 2005. The appellant was 14 years of age at that time. After attaining majority, the appellant filed an application to seek appointment on compassionate ground on 14.06.2010. Since no order was passed, the appellant invoked the writ jurisdiction of this Court, which has since been dismissed.

Learned single Bench has, *inter alia*, found that the mother of the appellant was appointed in the school run by the minorities, and that the policy of the State Government for appointment on compassionate ground is not applicable to such school. The learned single Bench has referred to the various judgments to arrive at such conclusion.

We have heard learned counsel for the appellant and

find no illegality in the order passed by the learned single Bench. The appointment on compassionate ground can be offered only if there is a policy applicable for appointment on compassionate ground. In respect of school in question, there is no policy of appointment on compassionate ground. The policy of the State Government cannot be, *ipso facto* applied to a private school unless it is adopted by the said school. In absence of the policy for appointment on compassionate ground, the appellant has been rightly found not entitled to appointment on compassionate ground.

The Letters Patent Appeal, thus, stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	