

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15184 of 2014

=====

1. Sapan Ghosh son of Late Kalipad Ghosh, resident of mohalla- Chandrabanshi Galli, Nalband Toli, P.S.- Alamganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department.
2. The Joint Secretary, Finance Department, Govt. of Bihar, Patna
3. The Officer on Special Duty-cum-Director (Press), Finance Department, Patna
4. The Superintendent, Secretariat Press, Gulzarbagh, Patna
5. The Superintendent Incharge, Secretariat Press, Gulzarbagh, Patna
6. The Sub Divisional Officer, Patna City, Patna
7. The Accountant General, Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Utsav Kumar

For the Respondent State: Mr. Indrajeet Bhushan, AC to GP 2

For Accountant General : Mr. Arun Kumar Arun

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-07-2016

In the controversial circumstance as to what should be the actual date of birth and therefore the date of superannuation of the mother of the petitioner and whether she died still in service or she died after superannuation, is a disputed question of fact. The claim of the petitioner for compassionate appointment cannot be entertained under above controversial circumstance at this juncture and the reason for rejection by the respondents cannot be held to be faulty.

Since the situation of this kind has arisen, the only remedy would be by relegating the petitioner to a civil court of competent jurisdiction for an appropriate declaration on the dispute before the benefit of compassionate appointment can be considered.

Writ application is dismissed with liberty as above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22/07/2016
Transmission Date	