

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.578 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9660 of 2012**

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Anita Kumari, daughter of late Anandi Rajak, resident of Mohalla- Kashim Bazar,,
PS- Kotwali , PO+ District- Munger

.... Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Munger Division, Munger.
3. The Collector cum Chairman, District Compassionate Committee, Munger.
4. The Deputy Collector (Establishment) , Collectorate, Munger.
5. The Civil Surgeon cum Chief Medical Officer, Munger.
6. The District Mass Media & Extension Officer, Munger.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sheel Bhadra Jha
Mr. Ram Chandra Sinha
For the Respondent/s : Mr. Subhash Prasad Singh, GA 3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 08-08-2016

I.A.No. 2564 of 2015

This interlocutory application under Section 5 of the Limitation Act has been filed on behalf of the appellant seeking condonation of delay of 2 years and 8 months in preferring the present Letters Patent Appeal.

We have heard learned counsel for the appellant and find that sufficient cause is made out to condone the delay in preferring the present appeal. We, therefore, allow this application and condone the

delay.

I.A. No. 2564 of 2015 stands disposed of.

L.P.A.No. 578 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 16th May, 2012 in CWJC No. 9660 of 2012, whereby the claim of the appellant for appointment on compassionate ground was rejected for the reason that she is married daughter of the deceased employee.

The father of the appellant died on 05.05.2009. The appellant applied for compassionate appointment on 15.12.2009. Though she was married on the date of death of her father, she obtained a decree for divorce in the year 2010 may be for the reason that she became ineligible for appointment on compassionate ground on the ground of her marriage in view of the existing government instructions. The policy of the State Government at that time was that married woman is not eligible for appointment on compassionate ground. The claim of the appellant was rejected on the ground that she was married in the year 2003 and therefore in terms of the policy, she is not entitled for compassionate appointment. The writ application before this Court remained unsuccessful for the reason that the appellant has not disclosed that she was living separately from her husband in the application submitted for appointment on

compassionate ground.

When the matter came up for hearing before this Court, learned counsel for the appellant produced Memo dated 10.12.2014 issued from the General Administration Department, Government of Bihar, superseding the earlier instruction and contemplating that married daughter can be considered for appointment on compassionate ground.

In the light of the said instruction, the learned State Counsel has sought time to seek instruction from the State Government in respect of the said circular. Today, the Learned counsel for the respondents states that in view of the circular dated 10.12.2014, the State shall reconsider the claim of the appellant for appointment on compassionate ground and pass appropriate orders within three months from today.

In view of the said fact, the order passed by the learned Single Bench as also the order passed by the State Government declining the request for appointment on compassionate ground are set aside and the matter is remanded to respondent no.2 to consider the case of the appellant for appointment on compassionate ground in the light of the circular now issued on 10.12.2014.

We may observe that the fact whether the appellant has divorced or not is no longer a relevant ground on the basis of which

her request for appointment on compassionate ground can be declined.

The appeal stands allowed accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl.

AFR/NAFR	NAFR
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