

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.810 of 2014
IN
Civil Writ Jurisdiction Case No. 14883 of 2013**

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Mukesh Kumar Son of Late Virendra Prasad Sharma @ Virendra Sharma Resident
of Village - Ur - Bishunpur, P.S. Alipur, District - Gaya

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Home, Government of Bihar, Patna
4. The Director General of Police, Bihar, Patna
5. The Inspector General of Police, Vigilance Department, Electricity Board Cell,
Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shekhar Singh, Advocate
For the Respondent/s : Mr. Smt. Binita Singh, SC-28
Mr. Siddharth Shankar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-03-2017

Seeking exception to an order dated 7.4.2014 passed
by the learned Writ Court in C.W.J.C. No.14883 of 2013 in the
matter of refusing interference into an order passed cancelling the
appointment granted to the petitioner, based on an enquiry report
submitted by the Chief Secretary, the petitioner's writ petition was
dismissed and therefore this appeal has been filed under Clause-10
of the Letters Patent.



In the enquiry conducted, finding a member of the petitioner's family already in Government employment, petitioner's appointment on compassion is found to be made incorrectly and contrary to the policy, the termination of his compassionate appointment has been upheld by the learned Writ Court by observing that the object of granting compassionate appointment is to grant immediate relief to the family caused by death of the bread winner and, as the petitioner was found to be not entitled for compassionate appointment, the learned Writ Court refused to interfere into the matter.

In doing so, we are of the considered view, that the learned Writ Court has not committed any error.

However, if the appellant feels that initially he was granted appointment by the Government and thereafter action taken for cancellation of the appointment has caused prejudice to the petitioner in the matter of seeking further appointment, liberty shall be available to the appellant to represent to the State Government and it would be for the State Government to consider his representation in accordance with law. For the present, in the light of the reasons indicated by the learned Writ Court for refusing to interfere into the matter, the same to be reasonable and justified, we



see no reason to interfere.

The appeal is disposed of with the aforesaid observations and liberty.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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