

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.343 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11948 of 2008
Along with
Interlocutory Application No.1425 of 2016**

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Digamber Prasad Digvijay, son of late Upendra Prasad Mandal, Resident of
Village- Bochahi Police Station Gopalpur, District Bhagalpur.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate Bhagalpur.
4. The A.D.M. Establishment, Bhagalpur.
5. The District Superintendent of Education Bhagalpur.
6. The District Welfare Officer, Bhagalpur.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Pandey, Advocate

For the Respondent/s : Mr. Birju Prasad, G.P.13

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 06-03-2017

Re.: Interlocutory Application No.1425 of 2016

The application is for condonation of delay of 344 days in
filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that
sufficient cause is made out for condonation of delay. Consequently,
we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.



Re.: Letters Patent Appeal No.343 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 1st October, 2010 whereby, the claim of the appellant for appointment on compassionate ground remained unsuccessful on the ground of delay and laches.

The father of appellant died on 1st December, 1981, whereas the writ jurisdiction was invoked in the year 2008, i.e. almost 27 years later. The appointment on compassionate ground is granted as a concession to the dependents of the deceased employee to tide over immediate financial crisis. The time period between the date of death and when the appellant invoked the writ jurisdiction of this Court disentitles him to seek appointment on compassionate ground.

Consequently, the Letters Patent Appeal is dismissed as there is no error in the order passed by the learned Single Bench.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F.R.
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