

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1500 of 2013

IN

Civil Writ Jurisdiction Case No. 20231 of 2011

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Kamlesh Kumar S/O Ram Dayal Prasad R/O Mohalla Mallah Chakia, P.S- Buxar,
District- Buxar (Bihar)

.... Appellant

Versus

1. The State Of Bihar through Principal Secretary, Home Department, Bihar, Patna.
2. The Additional Director, General Police (Welfare), Bihar, Patna.
3. The Additional Secretary, Home (Police) Department, Govt. Of Bihar, Patna.
4. The Inspector General, Central Range, Patna.
5. The Deputy Inspector General, Bhojpur at Ara
6. The Superintendent of Police, Buxar
7. The Superintendent of Police, Special Branch, Ara, Bhojpur.

.... Respondents

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Appearance :

For the Appellant : Mr. Prabhu Narayan Sharma, Advocate

For the Respondents : Mr. Pawan Kumar, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-02-2017

Delay of 17 days is condoned. I.A. No. 8290 of 2013 is
allowed.

Heard counsel for the appellant and counsel for the
State.

The challenge is to the order dated 03.07.2013 passed
by the learned single Judge in C.W.J.C. No. 20231 of 2011. The
learned single Judge has dismissed the writ application refusing to
grant any relief to the petitioner for a direction for compassionate
appointment on the death of the mother on the ground that the father



was also a government servant and very much in employment.

A case was sought to be made out that the father and the mother were separated and there is a document, which was Annexure-2 to the writ application, which is an affidavit before a Notary Public at Buxar showing such separation.

The learned single Judge has rightly considered and said that such a document has no legal validity because judicial separation cannot be accepted on the basis of a notarised affidavit.

The whole story basically is to beget employment under the compassionate head and the story of separation is part of the same scheme.

The order of the learned single Judge does not suffer from any legal infirmity.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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