

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1958 of 2016

In

Civil Writ Jurisdiction Case No.9727 of 2008

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Laksheshri Devi wife of Late Sheoji Yadav, son of Late Indrasan Yadav
Resident of Village- Ahirauli, P.S.- Buxar Industrial Area, District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
3. The Additional Secretary, Department of Medical Education, Bihar, Patna.
4. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
5. The Director, Indigenous system of Medicine, Government of Bihar, Patna.
6. The Principal Incharge, Government Dhanwantari Ayurvedic College, Ahirauli, Buxar.
7. Dr. Deo Vrat Narayan, father's name not known to appellant, Superintendent, Government Ayurvedic College and Hospital, Patna.
8. Dr. Anirudh Mishra, father's name not known to appellant, Director, Indigenous System of Medicine, Bihar, Patna.
9. Zamiruddin Ansari, father's name not known to the appellant, Joint Secretary, Department of Health, Government of Bihar, Patna. (Respondent No.7 to 9 Members of Review committee constituted in view of CWJC No. 10301 of 2003 and analogous cases).
10. Amarendra Narayan Singh, father's name not known to the appellant, the then Special Secretary, Department of Health, Chairman of the Screening Committee.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shitanshu Shekhar Mishra
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-12-2017



Delay of 276 days in preferring the appeal is condoned for the reasons indicated in the condonation application. I. A. No.8212 of 2016 is allowed. The matter is thereafter taken up on merits.

The husband of the appellant, who was supposed to be a cook appointed by the erstwhile private managing committee, came to be removed as far back as the year 2003 after the review committee in terms of the direction of the High Court did not find his case fit for absorption. While dealing with the case of the present appellant, the learned Single Judge refused to pass any decisive order in her favour keeping in mind that her husband had died and there was no occasion to pass any order for consideration for absorption on a class IV post.

The so called employee was removed in the year 2003. Death happened in the year 2011. With no clear right having been established for absorption or regularization on a class IV post but only a direction for consideration with regard to some of the other petitioners therein, the learned Single Judge rightly dismissed the writ application keeping in mind that the only object for which the present appellant has been pursuing the matter is to derive some kind of pensionary benefit.



The case of the husband of the present appellant not being full proof such an observation is declined even though it may have been given in cases of some of the living claimants.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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