

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15683 of 2010

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Laxman Thakur S/O Late Harinandan Thakur R/O Vill.- Ladoari, P.O.- Sutihara,
P.S.- Parihar, Distt.- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Department Of Water Resources, Government Of Bihar, Patna
3. The Director, Land Acquisition And Rehabilitation Department Of Water Resources, Government Of Bihar, Patna
4. Special Land Acquisition Officer, Kosi Yojna, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary
: Mr. Akshansh Ankit
For the Respondent/s : Mr. Rakesh Kr. Ranjan, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 18-07-2018

1. Though the present case is a hard case but this Court finds itself helpless and its hands tied by the knots of law.

2. The petitioner was appointed on 05/08.02.1983 on the ground of compassion, inasmuch as his father-in-law had become ill and was physically incapacitated. The petitioner herein continued to work till he was terminated by an order dated 12.08.2010 i.e. approximately after 27 years of service. During the interregnum period, unforeseen events took place and on account of an order being passed by this Court in the case of one *Uday Kant Jha* on **20.07.2009** in **CWJC no. 2442 of 2003**, the respondents were left with no option but to terminate the services of the petitioner herein on account of the



fact that there was no provision for appointment on compassionate ground as far as the son-in-law of an employee is concerned.

3. The learned counsel for the petitioner has submitted that the petitioner has worked to the satisfaction of all concerned for about 27 years and at this juncture, it would be very hard on him and his family to be imposed with a punishment of termination, hence equity demands that mercy be shown with the petitioner. This Court under Article 226 of the Constitution of India is not in a position to grant any relief to the petitioner since equities have to be exercised and appropriate relief is to be granted within the framework of law. However, it is the prerogative of the Hon'ble Apex Court to pass any orders in the interest of justice under Article 142 of the Constitution of India, a power which is not vested with this Court.

4. This Court is left with no option but to dismiss the present writ petition, though with a heavy heart.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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