

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1873 of 2017

In
Civil Writ Jurisdiction Case No.59 of 2016

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1. The State Of Bihar
 2. The District Magistrate, Begusarai.
 3. The Deputy Collector, Establishment, Begusarai.
 4. The Sub-Divisional Officer, Balia, District-Begusarai.
 5. The Circle Officer, Balia, District Begusarai.
 6. The Officer-in-Charge, Balia Police, District-Begusarai.

... .. Appellant/s

Versus

Kamleshwari Paswan, Son of late Kokil Paswan, Resident of Village-and Post Office-Paharpur, Police Station-Baliya, Sub-Division-Balia, District-Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Binita Singh, S.C. 28
		Mr. Vivek Anand Amritesh, A.C. to S.C. 28
For the Respondent/s	:	Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-11-2018

I.A. No. 2173 of 2018

Heard Binita Singh, learned Counsel for the State of Bihar.



The limitation petition has been filed along with an affidavit that sufficiently explains the cause and, therefore, we condone the delay in the filing of the appeal and treat the same to be within time.

L.P.A. No. 1873 of 2017

We have heard the learned Counsel at length and the main contention urged is that the respondent/petitioner, according to his own documents, has been unable to establish that he has approached the authorities within time, i.e. the stipulated time of 5 years of the date of death of his father, seeking compassionate appointment. Consequently, the learned Single Judge was not justified in allowing him an opportunity to pursue his claim for compassionate appointment.

On the submissions raised, we find that the learned Single Judge, in addition to the reasons given, has also observed that it was the duty of the respondents to have allowed the respondent/petitioner to pursue his case and help him in seeking his claim, keeping in view the fact that he had started running to the office in the year 2012 itself. This is evident from the affidavit of the respondent that was on record. Consequently, there is no reason to disbelieve the said affidavit and, therefore, the learned Single Judge was justified in allowing the writ petition and



directing the respondents to consider his claim in accordance with law. We, therefore, find no reason to interfere with the impugned judgement.

Appeal is dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

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