

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1316 of 2018

In
Civil Writ Jurisdiction Case No.11587 of 2017

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Mahabir Prasad, son of Late Sajjan Lal Nirala, Resident of Village-Haldi Khara, P.S-Kochadhman, District-Kishanganj

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal secretary, General Administration Department Bihar, Patna
3. The Principal secretary, Finance Department, Government of Bihar, Patna.
4. The Commissioner, Purnea Division, Purnea.
5. The Chairman of District Compassionate Appointment Committee-cum-District magistrate, Purnea.
6. The District Magistrate, Kishanganj.
7. Kamla Prasad Sudgar. Son of Late Sajjan Lal @ Sajjan Lal Sudgar, Resident of Village-Haldi Khora, P.S.-Khochadhaman, Dist
8. Nil Kumar, son of Kamla Prasad Sudgar, Resident of Village-Haldi Khora, P.S-Kochadhman, District-Kishanganj.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Banbari Sharma Mr.Jay Prakash Singh Mr. Sahjanand Sharma
For the Respondent/s	:	Mr.Prabhat Kumar Verma- AAG 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

4 03-12-2019 Heard learned Counsel for the appellant and the respondents.

This Letters Patent Appeal has been preferred against the order, dated 14.08.2018, passed in CWJC No. 11587 of 2017, whereby the learned Single Judge, while dismissing the



claim of the appellant for his appointment on compassionate ground, has dismissed the writ application.

The factual matrix of the case is that one Sajjan Lal Nirala was working as Chakbandi Amin in the Consolidation Department during his life time. After the death of the first wife of said Sajjan Lal Nirala in the year 1963, he married one Jabni Devi in 1965. From his first wife, he had only one son, namely, Kamala Prasad Sutgar, while he was blessed with two sons and two daughters from his second wife, namely, Mahabir Prasad, Dasrath Prasad, Renu Devi and Rajshree Devi. Mahabir Prasad, the writ petitioner, is the appellant before this Court; whereas Jabni Devi, the second wife, was also the appellant no. 2, but it appears that her name was deleted since she was not a party to the writ proceeding. Sajjan Lal Nirala died in harness on 03.11.2001 and after the death of the deceased employee, Kamala Prasad Sutgar, the son of the deceased employee from his first wife, submitted an application before the District Compassionate Appointment Committee, Purnea for his appointment on compassionate ground and the Committee recommended his name for appointment on compassionate ground in place of his father, Sajjan Lal Nirala and accordingly he was appointed as Revenue Karamchari in 2005. Later,



Kamala Prasad Sutgar also died in harness and accordingly, his son, Nil Kumar, was appointed on compassionate ground in place of his father. The appellant, Mahabir Prasad, challenged the appointment of Kamala Prasad Sutgar in 2017 by filing a writ petition, being CWJC No. 11587 of 2017. The learned Single Judge dismissed the writ application considering the fact that the initial compassionate appointment of the deceased employee (Kamala Prasad Sutgar), made on 26.12.2005, was challenged after 12 years of his appointment and that too, when his son, Nil Kumar, was subsequently appointed on compassionate ground in place of his deceased father.

The factual matrix discussed above suggests that the claim of the appellant is absolutely misconceived

We find no infirmity or perversity in the order passed by the learned Single Judge since the compassionate appointment has been challenged after twelve years. This appeal is accordingly dismissed.

There shall be no order as to cost.

(Dinesh Kumar Singh, J.)

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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