

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.340 of 2021

In
Civil Writ Jurisdiction Case No.17041 of 2016

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Manju Devi, D/o Late Dinesh Thakur, Resident of Village-Rampur Tapada,
P.O. Rampur, P.S. Murliganj, District-Madhepura.

... .. Appellant.

Versus

1. The State of Bihar.
2. Secretary, Horticulture Department, Ministry of Agriculture, Bihar, Patna.
3. Mr. Arbinder Singh, Director Horticulture Department, Udhyam Department, Patna.
4. Priyanka Kumari, Daughter of Late Dinesh Thakur, Wife of Surya Prakash, Resident of Karyalaya Paricharika, District Udhyam Office, Madhepura.

... .. Respondents.

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Appearance :

For the Appellant : Mr. Uday Chand Prasad, Advocate.
For the State : Mr. Sarvesh Kumar Singh (AAG-13)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-03-2025

I.A. No.01 of 2021:

Heard I.A. No.01 of 2021.

2. Appellant has assailed the order of the learned Single Judge dated 08.05.2019 passed in C.W.J.C. No.17041 of 2016.

3. Appellant had a cause of action in filing L.P.A. on 07.06.2019. On the other hand, L.P.A. was presented on 19.04.2021. The COVID-19 period was in vogue from 15.03.2020 to till filing of L.P.A. Delay would be around for



few months from June, 2019 to March, 2020.

4. In view of these facts and circumstances, appellant has made out a case for condonation of delay of about 1 year 10 months and 2 days in filing L.P.A. No.340 of 2021.

5. I.A. No.01 of 2021 stands allowed.

L.P.A. No.340 of 2021:

6. Appellant has assailed the order of the learned Single Judge dated 08.05.2019 passed in C.W.J.C. No.17041 of 2016.

7. Appellant's grievance is in connection with the compassionate appointment on account of death of her husband and providing appointment to 4th respondent-Priyanka Kumari, who is none other than daughter of appellant-Manju Devi and deceased Dinesh Thakur.

8. There is no infirmity in the order of the learned Single Judge dated 08.05.2019 passed in C.W.J.C. No.17041 of 2016. In order to better understanding of the counter affidavit filed by the respondents in C.W.J.C. No.17041 of 2016, paragraphs-10, 11 and 14 read as under:

“10. That it is submitted that after death of the employee, the son of the petitioner applied for compassionate appointment, however, later on he withdrew his application as his younger sister



namely Priyanka Kumari, respondent no.-4 has been appointed on compassionate ground with due consent of the petitioner in the year, 2014.

11. That it is submitted that the petitioner made a representation before the Director Horticulture, Bihar, Patna complaining therein that her daughter namely Priyanka Kumari is not maintaining her properly as she has married with someone without her consent. She is also misbehaving with the petitioner, therefore, now the petitioner herself wants to be appointed in place of her younger daughter.

14. That it is submitted that thereafter, the Director Horticulture vide letter no.885 dated 19.08.2016 has intimated the petitioner that in the light of recommendation of the enquiry committee a decision has been taken to give one third amount of salary to the petitioner for her maintenance (Annexure-6) of the writ.”

9. In the light of the aforementioned facts and circumstances, appellant has not made out a case.

10. After arguing for sometime, he seeks permission to



withdraw the present L.P.A. No.340 of 2021.

11. Accordingly, the present L.P.A. No.340 of 2021
stands dismissed as withdrawn.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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