

Ajay Kumar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-24-2012

Appellant : Ajay Kumar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Letters Patent Appeal No.60 of 2012 In Civil Writ Jurisdiction Case No. 18653 of 2009 With Interlocutory Application No. 498 of 2012 In Letters Patent Appeal No. 60 of 2013
===== Ajay Kumar, son of late Ram Sakal Sahu resident of Village- Tula Ram Bhuska, P.S.- Meharma, District- Godda (Jharkhand) Appellant Versus 1. The State Of Bihar 2. The District Compassionate Committee, Munger 3. The District Superintendent of Education (D.S.E.), Munger 4. The District Superintendent of Education (D.S.E.), Sheikhpura 5. The District Education Officer (D.E.O.), Sheikhpura 6. The Headmaster, Tailkar Vaishya Middle School, Barbiga, District- Sheikhpura Respondents
=====

Appearance : For the Appellant : Mr. Aashok Kumar Choudhary, Advocate For the Respondents : Mr. Ajay S.C.- 11

===== CORAM: HONOURABLE THE CHIEF JUSTICE and HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL ORDER (Per: HONOURABLE THE CHIEF JUSTICE

24. 01-2012 Feeling aggrieved by the judgment and order dated 3rd May 2010 passed by the learned single Judge in above CWJC No. 18653 of 2009, the writ petitioner has preferred this Appeal under Clause 10 of the Letters Patent. The Appeal is delayed by one year and 198 days. The only explanation given by the petitioner is that he was busy in attending to his ailing mother. The application is not supported by the documentary evidence. Patna High Court LPA No.60 of 2012 (2) dt.24-01-2012 2 The appellant, son of one Ram Sakal Sahu, filed above CWJC No. 18653 of 2009 under Article 226 of the Constitution of India for compassionate appointment. According to the appellant his father late Ram Sakal Sahu was a Headmaster. He died on 18th July 1985 in harness. The appellant was then a minor. The application for compassionate employment made by the mother of the appellant (widow of the deceased) was rejected in 1991. The appellant after attaining majority claimed compassionate employment in 2009 by filing above CWJ No.18653 of 2009. The petition has been dismissed, therefore, the appeal. It is indisputable that the appellant claimed compassionate employment twenty four years after the death of his father and nearly twenty years after he attained the majority. In no circumstances, the belated claim made by the appellant could have been accepted. The claim made by the appellant is wholly misconceived. The claim is rightly rejected by the learned single Judge. No case for interference is made out. The Appeal and the Interlocutory Application are summarily rejected. (R.M. Doshit, CJ) Kanth (Birendra Prasad Verma, J.)

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