

Court No. - 36

Case :- WRIT - A No. - 19018 of 2023

Petitioner :- Priyanka

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Neeraj

Counsel for Respondent :- C.S.C.,Hare Ram

And

Case :- WRIT - A No. - 19002 of 2023

Petitioner :- Amit Kumar

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ajay Kumar Chaurasia

Counsel for Respondent :- C.S.C.,Hare Ram

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 and Mr. Hare Ram, learned counsel appearing for the Respondents No. 2 to 5.

2. Since connected writ petition has been filed by another claimant Mr. Amit Kumar for compassionate appointment, therefore, this court has also heard Mr. Ajay Kumar Chaurasiya, learned counsel representing petitioner in connected writ petition.

3. Since both the aforesaid writ petitions are related with the claims of compassionate appointment arising out of death of Mr. Sunil Kumar, who died in harness on 03.11.2022, therefore, both the writ petitions are being decided through this common order.

4. Facts of the case, in brief, are that husband of the petitioner of Writ-A No. 19018 of 2023 and brother of petitioner of Writ-A No. 19002 of 2023 while working on the post of Assistant Teacher in Primary School Parasana, Block Jaswantnagar District Etawah died in harness on 03.11.2022. Smt. Priyanka after the death of her husband has submitted application for her compassionate appointment before the District Basic Education Officer, Etawah. Mr. Amit Kumar has also submitted application for his compassionate appointment before the District Basic Education Officer, Etawah.

5. Learned counsel appearing for the petitioner has submitted that till date petitioner's case for compassionate appointment has not been considered and is lying pending before the District Basic Education Officer, Etawah.

6. Learned counsel appearing for the petitioner has argued that it is well settled proposition of law through catena of judgments of Hon'ble Supreme Court as well as of this court that the cases of compassionate appointment must be decided.

7. A query was put to learned counsel representing Mr. Amit Kumar as to what is the nature of employment of Mr. Amit Kumar. In response to the aforesaid query learned counsel representing Mr. Amit Kumar has stated before this court that Mr. Amit Kumar is doing some private job. Once Mr. Amit Kumar is engaged in a private job then the District Basic Education Officer, Etawah while deciding the case of compassionate appointment must take into consideration as to whether Mr. Amit Kumar on the date of death of Mr. Sunil Kumar was dependent on him or not.

8. On the other hand Mr. Hare Ram, learned counsel appearing for the Respondents No. 2 to 5 has very fairly submitted that since both i.e. Smt. Priyanka and Mr. Amit Kumar have raised their claims before the District Basic Education Officer, Etawah for compassionate appointment on the death of Mr. Sunil Kumar, therefore, ends of justice would be served if a direction is issued by this court thereby commanding the District Basic Education Officer, Etawah to consider and decide the petitioners' case for compassionate appointment by passing speaking and reasoned order within a fixed time frame.

9. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, writ petitions are ***finally disposed of*** with a direction to District Basic Education Officer, Etawah to consider the cases of the petitioner's for compassionate appointment on account of death of Mr. Sunil Kumar, by passing speaking and reasoned order within a period of three months from the date of service of certified copy of this order.

10. It is further provided that District Basic Education Officer, Etawah while passing the aforesaid order will provide opportunity of hearing to Smt. Priyanka as well as Mr. Amit Kumar.

Order Date :- 5.12.2023

Gaurav