

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4007 of 2015

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Abita Kumari, Daughter of Chandradeo Ram, resident of village Vitthi, police -
Station Gorayakoti, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Bihar Patna.
3. The Director, Primary Education Department Government of Bihar, Patna.
4. The Presiding Officer, District Teacher Employment Authority, Siwan.
5. The District Programme Officer (Establishment), Siwan.
6. The Block Development Officer Gorayakothi, Siwan.
7. The Block Education Officer Gorayakothi District Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Adv.
For the Respondent/s : Mr. S.K. Sinha, G.P.-15

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-03-2015

Compassionate appointment is not a fundamental right of the claimant. This is a right which emanates from the policy. This Court has not come across any policy notified by the State where there is provision for compassionate appointment to the wards of Panchayat Teachers, who are not government servants but are appointees under contract. The Block Education Officer by mistaken understanding of facts and law or for extraneous consideration appointed the petitioner on death of her father, who was initially engaged as a Panchayat Siksha Mitra and then became Panchayat Teacher. It was contrary to all canons of policy or provision in this

regard.

Whatever be the discussion or the finding given by the District Teacher Appointment Authority, Siwan contained in Annexure-10, the conclusion is that ward of a Panchayat Teacher is not entitled to compassionate appointment.

Writ is dismissed.

(Ajay Kumar Tripathi, J.)

Vats/-

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