

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.129 of 2016

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Pramod Kumar Pandey, son of Late Badri Pandey, resident of village- Barki Delha, Rajakothi, P.O. Railway Station, Gaya, P.S. Delha, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar
2. Principal Secretary, Education Department (Formerly known as Human Resources Development Department), Government of Bihar, Patna
3. Secretary, Primary Education, Education Department (Formerly known as Human Resources Development Department), Government of Bihar, Patna
4. Director, Primary Education, Government of Bihar, Patna.
5. District Magistrate, Gaya
6. District Programme Officer, Establishment (Formerly District Superintendent of Education), Gaya
7. Area Education Officer, Sadar, Gaya
8. Headmaster Government Middles School, Kujapi, Nagar Prakhanda-Gaya, District- Gaya.
9. Smt. Lalmani Devi wife of late Shiv Narayan Pandey, resident of Village-Barki Delha, Rajakothi, P.O. Railway Station, Gaya, P.S. Delha, District -Gaya
10. Smt. Gayatri Devi wife of Sri Ramraj Tiwari, resident of village-Pouthu, P.O.- Jamhaur (Pouthu), P.S. Jamhaur, District- Aurangabad (Bihar)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGEMENT

Date : 27-07-2016

This application has been filed seeking review of order, dated 31.01.2012, passed in C.W.J.C. No. 11178 of 2010, whereby this Court, while considering the petitioner's application filed under Article 226 of the Constitution of India seeking direction for his appointment on compassionate ground, consequent upon the death of his father, has issued direction to the following effect.



“ Therefore, if the petitioner gives an undertaking in writing for maintaining all the dependents of the deceased employee including Smt. Lalmani Devi, the widow of pre-deceased son, late Shiv Narayan Pandey, the elder brother of the petitioner, the District Programme Officer (Establishment), Gaya being the successor in office of District Superintendent of Education, Gaya will immediately transmit the application along with the records to the office of the Collector of Gaya District for its being placed before the District Compassionate Appointment Committee which then would take its own decision for appointment of the petitioner on compassionate ground in accordance with law. Such an exercise as with regard to appointment on compassionate ground of the petitioner must be completed within a period of six months from the date of filing of the application and undertaking of the petitioner along with a copy of this order.”

The petitioner has admittedly been appointed on compassionate ground as Panchayat Teacher. This is also not in dispute that the deceased employee died leaving behind two

sons, including the present petitioner. After his death, his elder son had died leaving behind his widow for whose maintenance, the petitioner was asked to give an undertaking.

It is the stand of the petitioner in the present review application that widow of the elder son of the deceased employee does not come within the definition of 'family', as clarified in various circulars issued by the State Government. He has, thus, denied to maintain widow of his elder brother after having been appointed on compassionate ground. It has further been contended on behalf of the petitioner that the said widow of the elder son of the deceased employee herself is earning and she does not need any maintenance.

Apparently, the petitioner has been appointed on compassionate basis on taking an undertaking from him that he will maintain the widow of the son of the deceased employee. Now he is turning around and denying to maintain her on specious ground.

I do not find such grounds to be valid for review of the order dated 31.01.2012.

This application is accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Rajiv/-

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