

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11677 of 2013

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Malti Devi Wife Of Late Prithvi Chand Kisku Resident Of Vill. - Patraha, P.S. -
B.Kothi, Dist. - Purnea

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Deptt.
Govt. Of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Purnea
4. The District Education Officer, Purnea
5. The District Programme Officer, Purnea
6. The Block Education Extension Officer, Purnea Sadar, Dist. - Purnea
7. The Executive Officer, Nagar Parishad, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh Vikram, Adv.
Mr. Hemshankar Kumar Singh, Adv.

For the State : Ms. Manisha Singh, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-11-2016

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is seeking a relief for
appointment on Class-III post as she has been appointed on the post of
untrained teacher at the fixed remuneration of Rs. 6,000/- per month.

The husband of the petitioner was posted as a Teacher, he
died in harness on 28.2.2005 leaving the widow, petitioner and a
minor daughter and two minor sons. After the death of the husband of
the petitioner, she has been paid family pension, gratuity and other



retirement dues and so much so that she has also applied for appointment on compassionate ground. The case of the petitioner was placed for consideration on 27.6.2007 which was accepted and a recommendation was made for her appointment on Class-III post in the regular establishment but, instead of appointing her on Class-III post, the petitioner was appointed as a Panchayat Teacher on the consolidated pay-scale of Rs. 6,000/- per month. A claim has been made by the petitioner that as the recommendation was made for appointment on Class-III post, the petitioner should have been given the said benefit and wrongly she has been adjusted against the consolidated pay of Rs. 6,000/- per month.

The claim of compassionate appointment is not a right but merely a privilege is given for particular situation and also not a source of appointment but, the benefit is conferred by the employer on the death of the bread-earner as the family attains the financial distress, to tide-over the said financial crisis, the benefit of compassionate appointment is conferred. The scheme of compassionate appointment itself connotes once an appointment is given, there cannot be any second appointment or change of status or promotion, inasmuch as, the petitioner has already been given the benefit of all retiral dues of her husband.

In that view of the matter, the family of the petitioner is no

longer in financial distress or penury. The relief as claimed by the petitioner cannot be given to her. However, if the petitioner improves her qualification, certainly she should be given the benefit.

With the aforesaid observation, this application is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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