

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24216 of 2013

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1. Most. Manjoo Kuer Wife Of Late Sanjay Kumar Ram Resident Of Village And Post Office - Karath, Police Station - Tarari, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Bhojpur At Ara
2. The District Magistrate, Bhojpur At Ara
3. The Deputy Development Commissioner, Bhojpur At Ara
4. The District Education Officer, Bhojpur At Ara
5. The Block Education Officer, Tarari, Police Station - Tarari, District - Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Singh No.4, Mr. Dharmendra Kumar Singh, Advocates
For the State	:	Mr. Yogendra Prasad Sinha, AAG 7 Mr. Rakesh Ambastha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-12-2016

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

In the present writ petition, petitioner is seeking relief for appointment on compassionate ground. She has claimed that her husband has died in harness on 24.4.2012 while discharging the duty as Prakhanda Sikshak in the up-graded Middle School Karath, District Bhojpur. At the time of filing of the application she was only matriculate even she has filed the application but her application was rejected on the ground that she does not possess the requisite qualification but she was



pursuing her study in intermediate and during pendency of this writ petition she has acquired intermediate qualification and result of her intermediate was published on 17th May, 2015. The maximum period for application of compassionate appointment is five years.

In such circumstances, the period comes to an end in the years 1017. As per statement of the petitioner she has acquired intermediate qualification and has also informed the competent authority. But it has been denied in the counter affidavit filed by the District Programme Officer inasmuch as and a plea has been taken by annexing notification no.1769 dated 24.11.2014 which stipulates that person having two years diploma degree can only be appointed as Panchayat Teacher but that notification itself provides relaxation and does not deal with the case of compassionate appointment. Petitioner has already acquired qualification of intermediate.

In such view of the matter, Block Education Officer, Tarari, Bhojpur is directed to refer the case of the petitioner to the Compassionate Appointment Committee and Committee will consider her case and take decision in accordance with law treating her qualification to be intermediate as during pendency of this writ petition she has already acquired the qualification.



If the petitioner has not filed such certificate she is directed to file her up-graded qualification within two weeks from today.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2016
Transmission Date	NA

