

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7246 of 2013

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1. M.Shakir Raza Son Of Late A. Ahsan Raza Resident Of Village- Quamaspur,
P.O. Asthawan, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director Secondary Education, Human Resources Development Department, Bihar, Patna
3. The District Magistrate, Nalanda At Bihar Sharif
4. The District Education Officer, Nalanda At Bihar Sharif
5. Mojibur Rahman, Secretary, Managing Committee Of Chakdin High School At And P.O.- Chakdin, P.S. Asthawan, District- Nalanda
6. Head Master, Chakdin High School, At And P.O.- Chakdin, P.S. Asthawan, District- Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Obaidur Rahman

For the State : Mr. Manjari Nath.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-04-2016

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

In the present writ petition, petitioner is challenging for
disposal of the representation dated 24.1.2013 for the purposes
of making appointment on the vacant and sanctioned post of
clerk.

Father of the petitioner was working as clerk in Chakdin
High School aided by the State Government who died in
harness on 21.4.2009 and on that account the post of clerk was

fallen vacant. After the death of the bread earner the family become penury. It was/is very difficult to carry the load of the entire family without the bread earner.

An application was filed by the petitioner on 30.5.2009 to the Headmaster of the School for his appointment but did not receive any response. He filed another representation dated 24.1.2013 before the Director, Secondary Education, Government of Bihar for the needful which is pending for consideration.

A counter affidavit has been filed by the State where plea has been taken that school in question is minority institution and scheme of granting compassionate appointment cannot be extended to the said School as Rule or Regulation applies to the General Government School does not apply to the minority aided school.

It is well settled principle of law that the Government can regulate the function of minority institution and cannot interfere in the matter. The Government cannot compel the minority institution to give appointment on compassionate ground. If the minority institution desires to grant such appointment it can frame rule and thereby they can extend the benefit of appointment on compassionate ground and so much so the rule and regulation

for compassionate appointment cannot be extended either to the privately managed school or minority aided school.

In this view of the matter, this Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	9.5.2016
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