

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8627 of 2017

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Anjani Kumar, son of Late Baidya Nath Sinha, Resident of Vaidyasenkunj, Shiv-Shakti Colony, P.S.- Civil Lines, District- Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources Department, Bihar, Bihar.
3. District Magistrate, Gaya.
4. District Programme Officer (Estab.), Gaya.
5. District Education Officer, Gaya.
6. Block Development Officer, Mohanpur, Gaya.
7. Block Education Officer, Mohanpur, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Respondent/s : Mrs. Shilpa Singh- GA12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 15-12-2017

Heard learned Counsel for the petitioner and the Counsel
appearing on behalf of the State.

2. The petitioner has filed the instant writ application for
a direction to the respondents to consider his case for compassionate
appointment.

3. On behalf of the respondent No. 4, the District



Programme Officer (Estab.), Gaya, a counter affidavit has been filed in which the respondent No. 4 has taken the stand that under the amended 2012 Rules, passing of TET is a condition precedent for appointment as Panchayat Teacher and if the petitioner is not answering the said eligibility condition, he could not be appointed as Panchayat Teacher.

4. The case of the petitioner is not for appointment on a particular post rather his case is for consideration against any post on compassionate ground. The respondents cannot refuse to consider the case of the petitioner on the ground that he is not answering the eligibility condition for appointment as Panchayat Shikshak.

5. In the peculiar facts and circumstances of the case, the learned Counsel for the petitioner submits that the writ application may be disposed of with a direction to the respondents to consider the case of the petitioner for appointment on compassionate ground, considering his qualification for appointment against Class-III or Class-IV post, as per availability of vacancy and qualification of the petitioner.

6. This writ application is, accordingly, disposed of with a direction to respondent Nos. 4 and 5 to consider the case of the petitioner for compassionate appointment in accordance with law, without insisting of passing of TET for appointment as Panchayat



Shikshak. The idea of compassionate appointment is a social security measure in order to provide financial assistance to the family of the deceased employees, dying in harness. The respondents are required to consider the case of the petitioner, considering the objective of compassionate appointment as social security measure. Accordingly, they are required to consider the case for compassionate appointment of the petitioner expeditiously, preferably within a period of three months from the date of receipt/production of a copy of this order.

7. With the aforesaid observations, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19/12/2017
Transmission Date	N/A

