

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12329 of 2017

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Biltu Kumar @ Biltu Ram, Son of Late Bhanu Prasad @ Bhanu Ram,
resident of Harijan Colony, G.P.O. Patna, Police Station- Kotwali, District
Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Vikas Bhawan, Bailey Road, Patna.
2. The District Magistrate, Patna.
3. The District Programme Officer (Establishment), Patna.
4. The District Education Officer, Patna.
5. The Principal, Sir G.D. Patliputra, High School (Sir G.D. Pataliputra Uchcha Madhyamik Vidyalaya) Jagat Narayan Road, Kadamkuan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur

For the Respondent/s : Mr. Smt. Binita Singh -Sc28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 15-12-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Mr. Kishore Kumar Thakur appearing on behalf of
the petitioner submits that the respondents have arbitrarily rejected
the claim of the petitioner for grant of compassionate appointment.
He submits that in terms of Annexure-2, the circular of the
Personnel and Administrative Reforms Department (now known
as General Administration Department) dated 18.12.2008 the State
Government took the policy decision to consider the case of the
petitioner for grant of compassionate appointment of the



dependents of the government employee belonging to 'Mahadalit' community in the same decision contained in Annexure-2 the minimum qualification has been fixed as 8th Class.

On behalf of the respondents a counter affidavit has been filed in which communication dated 22.6.2012 has been enclosed as Annexure-A to submit that for grant of compassionate appointment the minimum eligibility is intermediate and as such the case of the petitioner cannot be considered.

After going into the pleadings of the parties, it appears that the respondents have not considered the case of the petitioner in the light of the circular of the State Government contained in Annexure-2 dated 18.12.2008.

From the counter affidavit, it appears that there is no statement that the aforesaid decision of the State Government contained in Annexure-2 has been overruled. The petitioner is not claiming appointment on the post of Panchayat Shikshak on compassionate ground. The petitioner claims appointment on any post particularly Class-IV post as financial crisis occasioned on account of death of bread earner has rendered the petitioner in a situation where he cannot claim for any particular post, he has to tide over the financial crisis and as such any post may be provided to the petitioner by way of compassionate appointment.



In view of the aforesaid, the order contained in Annexure-1 communicated vide letter no. 4878 dated 05.07.2016 is hereby set aside. The respondents are directed to reconsider the case of the petitioner in the light of Annexure-2, circular of the State Government dated 18.8.2008 and take final decision. While taking final decision the respondents are also required to consider the fact that the petitioner is working in the school in question on class-IV post as evident from Annexure-6. Such exercise must be completed by the respondents within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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