

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12203 of 2014

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Baby Devi, wife of late Gautam Chaudhur, resident of village & P.O. Sadiha, Police Station- Bhagwanpur Hat, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Saran Division at Chapra.
4. The District Level Compassionate Appointment Committee through its Chairman, the District Magistrate, Siwan.
5. The Deputy Collector (Establishment), Siwan.
6. The District Education Officer, Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The Block Education Officer, Bhagwanpur Hat, District- Siwan.
9. The Headmaster-cum-Drawing & Disbursing Officer, Govt. Basic School, Mundipur, Anchal- Bhagwanpur Hat, District- Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate.
For the Respondents : Mr. Abbas Haider, S.C. 16.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-12-2017 Heard learned counsel for the petitioner and learned

counsel for the respondents.

The following reliefs have been sought for by the

petitioner in the present writ application.

“1(i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter no. 6792 dated 19.10.2013 issued under the signature of the District Programme Officer, Establishment (Education), Siwan, by which he has rejected the claim of the petitioner for appointment on compassionate ground on the ground that the application for appointment on compassionate ground is



time barred.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner for appointment on compassionate ground on any suitable post as the petitioner is fulfilling all the criteria for appointment on compassionate ground, but the respondent authorities concerned are not considering her claim which is against the aim and object of the State Government for giving protection to the bereaved family members.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to appoint the petitioner on compassionate ground as her husband died during harness and he is eligible for appointment on compassionate ground.

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to appoint the petitioner on compassionate ground on the ground that her husband died during harness while he was posted as an Assistant Teacher in Government Basic School, Mundipur, Anchal-Bhagwanpur Hat, District-Siwan.

(v) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to relax the period of nine months, if any, in submitting the application by the petitioner for her appointment on compassionate ground as the petitioner being a "Parsanashin" lady was not aware regarding time framed for submitting application for



compassionate appointment and further more the petitioner being very distress due to sudden death of her husband, she was running from office to office for getting Residential Certificate, Income Certificate as well as Genealogy and for the same, such delay of nine months has occurred.”

It is submitted by learned counsel for the petitioner that the case of the petitioner is squarely covered by the order passed by the Hon’ble Supreme Court in Civil Appeal Nos. 4776-4777 of 2017 dated 03.04.2017.

Considering the submissions made on behalf of the petitioner, the respondents are directed to pass an appropriate in the case of the petitioner in light of the order passed by the Hon’ble Supreme Court in Civil Appeal Nos. 4776-4777 of 2017 dated 03.04.2017 if the case of the petitioner is found identical, within a period of three months from the date of receipt/production of copy of this order.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

