

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1032 of 2017

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1. Most. Basanti Devi, Wife of Late Suresh Singh, resident of Village - Bahadurpur, Post - Jamania, District - Gajipur (Uttar Pradesh), PIN 233001, and,
 2. Ramanand Yadav, Son of Late Suresh Singh, resident of Village - Bahadurpur, Post - Jamania, District - Gajipur (Uttar Pradesh), PIN 233001.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Compassionate Appointment Committee, Kaimur, Bhabhua.
3. The District Education Officer, Kaimur, Bhabhua.
4. The District Programme Officer, Establishment, Kaimur (Bhabhua).
5. The Head Master of Jaiswal High School, Nuwaon, District - Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadav- GP23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-12-2017 Herd learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The grievance of the petitioners in the instant writ petition is non-consideration of their case for compassionate appointment.

On behalf of the State, a counter affidavit has been filed, in paras 7 and 8 of which referring to Rule 2012, stand has been taken that for appointment on the post of Panchayat Shikshak passing of TET is a condition precedent and as such the petitioners' cannot be considered for appointment on that post in



view of the requirement under the amended 2012 Rules.

Mr. Kumar Ravish, counsel for the petitioners submitted that the petitioners are entitled to be considered for grant of compassionate appointment and the petitioners have no fascination for particular post. He submits that beggars are not choosers. The petitioners have applied for compassionate appointment. Thus, it is obligation of the respondents-State to consider the case and grant compassionate appointment to tide over the financial crisis of the family of the bread winner who died in harness. In any view of the matter, they cannot refuse to consider the case of the petitioners for compassionate appointment, referring to the amended Rule, 2012.

Considering the rival submissions of the parties and the fact that the petitioners are claiming consideration of their case for compassionate appointment, the respondents are under obligation to take final decision and provide compassionate appointment in order to tide over the financial crisis faced by the family of the deceased employee. The respondents in the peculiar facts and circumstances of the case, are directed to take final decision within a period of 60 days and provide compassionate appointment as per the availability of the post in Class-III or Class-IV category, as the case may be, so that the



family may tide over the financial crisis.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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