

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1224 of 2017

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Manoj Kumar, Son of Late Arun Kumar Das, Resident of village - Madhuban, Post Chopra Ramnagar, P.s. Jnki Nagar, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna
4. The District Magistrate, Purnea, Cum - Chairman, The District Compassionate Committee, Purnea
5. The District Education Officer, Purnea
6. The District Programme Officer (Establishment), Purnea
7. The Block Education officer, Banmankhi, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-12-2017

Heard learned counsel for the petitioner and the State.

2. The instant writ application has been filed by the petitioner for consideration of his case for appointment on compassionate ground.

3. The father of the petitioner died in harness on 16.10.2015. The petitioner thereafter approached the respondent authorities for consideration of his case for compassionate appointment.

4. Now a counter affidavit has been filed on behalf of respondent nos. 5 to 7 and stand has been taken in para 8 onward of the counter affidavit that the petitioner cannot be granted



compassionate appointment on the post of teacher in view of amended provisions of the rule where passing of Teacher Eligibility Test (TET) examination is a precedent condition for appointment as a Panchayat Teacher.

5. Counsel for the petitioner submits that the petitioner has no choice for appointment on the post of teacher and he is ready to accept any post commensurate with his qualification and availability of the post whether Class III or Class IV and the claim of the petitioner for compassionate appointment cannot be denied on the ground that the petitioner has not passed TET examination and, as such, he cannot be offered appointment as Panchayat Teacher.

6. Considering the scheme of compassionate appointment, the respondents are under obligation to consider the case of the petitioner for appointment on compassionate ground against Class III or Class IV posts instead of insisting of appointment against the post of Panchayat Teacher and refusing to entertain the case of the petitioner on the ground that petitioner has not passed TET examination, in the compelling circumstance, the Court is constrained to direct the respondent authorities to consider the case of the petitioner for compassionate appointment, as the scheme of compassionate appointment was adopted by the State Government, as a social security measure, to tide over the financial crisis on account



of death of the bread earner. The respondents are under obligation to consider the case of the petitioner for appointment on compassionate ground against the available Class III or Class IV post, as the case may be, within a period of 60 days from the date of receipt/production of a copy of this order along with the necessary documents required for consideration for appointment on compassionate ground.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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