

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8808 of 2018

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Bablu Chouhan son of Late Fagu Nonia Resident of Dumaria, P.O. -
Kishanganj, P.S. - Kishanganj, Dist. - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Human Resources Development Department, Govt. of Bihar, Patna.
2. The Regional Deputy Director Education Purnea Circle, Purnea.
3. The District Magistrate, Kishanganj.
4. The District Programme Officer, Establishment kishanganj, Dist. - Kishanganj.
5. The District Education Officer, Kishanganj, Dist. - Kishanganj.
6. The Head Master, Rajkuya Krit Girls High School, Kishanganj, Dist. - Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha
For the Respondent/s : Mr. Kameshwar Kumar- Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-05-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is aggrieved by the order dated 1.2.2017, Annexure-10 whereby the petitioner was informed by the respondent-District Programme Officer (Establishment), Kishanganj that in terms of the decision of the State Government and on the basis of Rule 2006 for appointment of the dependents of teaching and non-teaching staff on compassionate ground requirement of minimum qualification is Intermediate with 45% marks which the petitioner was not holding and as such it has been decided that his case cannot be



considered for compassionate appointment.

Learned counsel for the petitioner submits that the claim of the petitioner is to appoint him on the post of peon, a class 4 post for which the petitioner is possessing the requisite qualification and as such he is fit to be considered for appointment on compassionate ground as class IV post.

The idea behind compassionate appointment is to provide social security. The respondents have formulated the scheme of compassionate appointment in order to mitigate the financial crisis due to untimely death of bread earner. 2009 scheme for compassionate appointment requires consideration of the case of the dependent for appointment on compassionate ground is against the post of Panchayat Teacher only.

Whether the dependent of teaching and non-teaching employees can be considered for appointment against class III and IV post was adjudicated at different level and the Apex Court has reasonably decided the lis in the case of Mukesh & Ano. Vs. The State of Bihar & Ors., reported in (2017) 5 SCC 383.

In view of the Apex Court Judgment the court is not a in position to make any indulgence and issue any direction to the respondents to consider the case of the petitioner in the light



of the decision taken by the Apex Court in the case of Mukesh (supra) for appointment against class IV post.

The respondents are accordingly directed to decide the claim of the petitioner in the light of the law laid down by the Apex Court in the case of Mukesh (supra) within a period of 60 days from the date of receipt/production of a copy of this order.

In the event the respondents are not in a position to offer any appointment, they may consider the desirability of granting ex-gratia amount in lieu of compassionate appointment so that the family of the deceased bread earner may be relieved over the financial crisis on account of untimely death of the bread earner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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