

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5317 of 2018

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Reeta Devi wife of Late Parmeshwar Ojha resident of village - Basantpur
Patti, P.O. - Basantpur Patti, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Secretary, Primary and Middle Education Department, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Director, Primary and Middle Education Department, Bihar, Patna.
5. The District Education Officer, Education Department, Muzaffarpur.
6. The District Program Officer, Education Department, Muzaffarpur.
7. The Block Education Officer, Block - Saraiya, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore
For the Respondent/s : Mr. Prabhakar Jha- Gp27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2018 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Claiming compassionate appointment on account of
demise of father-in-law of the petitioner, while in harness, on
the post of Assistant Teacher as far back as on 8.11.1983, instant
writ petition has been filed seeking benefit of compassionate
appointment.

The law in this regard is well settled that
compassionate appointment is meant to tide over sudden crisis
arising out of loss of the bread earner. In the instant case the
bread earner died as far back as in the year 1983, and today in



the year 2018 the claim has been raised by the daughter-in-law. The records reveals that claim of the petitioner's husband (son of the deceased) was pressed as far back as in the year 2009. In 2010 by Annexure 5 the Department had requested for certain documents from the petitioner so as to process her claim for compassionate appointment which was not responded to by the petitioner.

In the instant case there is not only delay but there is delay and laches both. Apart from that the very concept of compassionate appointment is to tide over the sudden crisis due to sudden death of bread earner, as taken note of above. The petitioner has no legally enforceable claim for consideration for the benefit of compassionate appointment.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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