

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.491 of 2018

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Kanhaiya Jee Son of late Markande Singh Resident of Village +P.O.-
Bedhana, P.S. Barh, District- Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department,
Government of Bihar, Patna.
 2. The Director Primary Education Department, Government of Bihar, Patna.
 3. The District Magistrate, Patna.
 4. The District Education Officer, Patna.
 5. The District Programme Officer, Establishment, Patna.
 6. The Block Development Officer-Cum-Member Secretary, Block Employment
Unit, Barh, Patna.
 7. The Block Education Officer, Barh, Patna. Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
		Mr. Pramod Kumar, Advocate
For the State	:	Mr. Amit Bhushan, AC to GP17
For PMC	:	Mr. Prabhakar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 30-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner has filed the present writ application for a direction to the respondents to consider the case of the petitioner for compassionate appointment.

Learned counsel for the petitioner submits that the father of petitioner has died in harness on 27.11.2015. After death of the father, the petitioner filed an application in prescribed form for consideration of his case for compassionate appointment and the case of the petitioner was recommended by the District Programme Officer (Establishment) on 31.12.2015 but the respondents have not decided the case of the petitioner whereas a similarly circumstanced person namely



Kumari Kavita was favoured with compassionate appointment.

On behalf of the respondents in the counter affidavit referring to notification No. 1769 dated 24.11.2015 and letter dated 28.12.2016 stand has been taken that for appointment on compassionate ground there is requirement of passing training and TET examinations. From the letter issued by the Secretary of the Education Department contained in memo No. 1311 dated 28.12.2016, it is evident that the compassionate appointment is permissible even to an untrained person with a condition that he has to pass training examination and also acquire TET within a period of six year.

In view of the above, the respondent are required to consider the case of the petitioner and offer appointment on compassionate ground with a condition that the petitioner has to obtain training qualification and pass TET within a period of six years prescribed in the letter dated 28.12.2016.

With the aforesaid the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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