

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3403 of 2018

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Aman Raj son of Awadh Manjhi Resident of Village - Bala, P.O. -
Kishunpura, P.S. - Basantpur, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Siwan.
4. The District Programme Officer Education Establishment, Siwan.
5. The Block Education Officer Lakari Naviganj, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar
For the Respondent/s : Mr. Hitesh Summon Sc13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and the counsel
for the State.

The grievance of the petitioner in the present writ application is non- consideration of case of the petitioner for compassionate appointment.

Learned counsel for the petitioner submits that the mother of the petitioner died in harness on 1.11.2016.

Counsel for the petitioner submits that the petitioner has filed this present application in the prescribed format for consideration of his case for compassionate appointment.

The case of the petitioner was duly forwarded by Block Education Officer, Lakari Naviganj, Siwan dated 20.12.2016 and thereafter the District Programme Officer, Siwan has issued



letter no. 2128 dated 27.9.2017 indicating therein that there is no provision for appointment of untrained as Assistant Teacher. The claim of the petitioner in terms of the policy decision of the 2009 is for appointment against the post of Panchayat Shikshak. The issue as to the compassionate appointment on the post of Panchayat Shikshak was considered at various level over the last nearly 8 years. Several applicants have approached this court for a direction to the respondents to consider their case for appointment on Class-III and even Class-IV as post of Panchayat Teacher was not lucrative as it was carrying fixed remuneration whereas the post of Class-III and Class IV in comparison was more lucrative than the post of Panchayat Shikshak as the said post was carry regular salary and allowances. The matter was taken up to the Supreme Court and on numerous occasions and finally the Apex Court has held out in the case of **Mukesh &Anr.Vs. The State Of Bihar, Reported In (2017)5 Scc 383** that up to 1.7.2006 the case of the compassionate appointment shall be considered against regular post of Class-III and IV and after that cut off date the case of the petitioner has to be considered on the post of Panchayat Shikshak. In the year 2014 a decision was taken by the Education Department in the light of amended Rule to only



consider the case of the petitioner on compassionate appointment, if the applicant is trained and passed TET. However, later on, the Secretary, Education department clarified that incumbent has to pass training as well as TET within a period of six years from the date of appointment.

In the present case respondents have not provided opportunity to the petitioner to pass training as well as TET within the time frame of six years and denied the appointment on the ground that now the appointment is not permissible on the post of Panchayat Shikshak without passing of training and TET does not appeal to reason. The compassionate appointment requires compassion and as such same yardstick as applicable for regular appointment on the post of Panchayat Shikshak is not to be followed for compassionate appointment.

Considering the totality facts and circumstances, the court does not approve the action of the respondents contained in Annexure- 5. The order contained in Annexure-5 dated 27.09.2017 is hereby quashed.

The respondents are directed to consider the case of the petitioner for compassionate appointment as panchayat teacher within a maximum period of sixty days and after appointment, they may allow the petitioner to pass training and TET within



the time frame of six years.

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

(Anil Kumar Upadhyay, J)

Ravi/-

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