

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6125 of 2017

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Pankaj Kumar, S/o Late Alakh Dev Prasad Sharma, R/o village -
Babhangawan, P.S. Lakhisarai, District – Lakhisarai Petitioner/s
Versus

1. The State of Bihar
 2. The Director Primary and Secondary Education, Government of Bihar, Patna
 3. The District Magistrate - Cum the Chairman, District Compassionate Appointment Committee, Lakhisarai
 4. The District Education Officer, Lakhisarai
 5. The District Programme officer (Establishment), Lakhisarai .. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Binit Kumar
For the Respondent/s : Mr. Madhaw Pd. Yadav-Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 16-04-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has filed the present writ application for a direction to the respondents to appoint him on a suitable class-III post in compliance of order of this court dated 30.08.2010 passed in C.W.J.C. No. 4170 of 2010 against his appointment on Class-IV post.

The idea behind the compassionate appointment is to provide financial assistant to the dependents of the bread earner died in harness.

In the matter of compassionate appointment the respondents are required to consider the claim of the dependents of bread earner died in harness sympathetically. The dependents cannot claim appointment on a particular post on compassionate



ground. Many factors weigh in the process of compassionate appointment. Ordinarily the appointment are offered to candidate commensurate with to the educational qualification but Government idea is to provide financial assistance to the family to tide over the crisis on account of death of bread earner and as such the government considers the case for compassionate appointment on any class-III or class-IV post.

In the earlier round of litigation this court has granted liberty to petitioner to file representation before the respondent no2. Director, Secondary Education vide order dated 30.8.2012. In the said order it was made clear to the respondent to first consider the case of the petitioner who is science graduate on a suitable post class-III post after relaxing age, if possible. Admittedly, the petitioner was offered class-IV post and as such no indulgence can be granted to the petitioner at this stage for compassionate appointment on class-III post.

Accordingly, the court does not find any merit in the writ petition and the same is dismissed as devoid of merit.

(Anil Kumar Upadhyay, J)

Ravi/-

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