

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1118 of 2017

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Ashutosh Kumar, Son of Late Satya Prakash Ram, resident of Village - Mandrapali,
P.S. Pachrukhi, District – Siwan Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Government of Bihar, Patna
 3. The Collector, Siwan
 4. The District Education Officer, Siwan
 5. The District Programme officer (Establishment), Siwan
 6. The Block Education officer, Pachrukhi, District - Siwan Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate

For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioner and State.

2. The petitioner has filed the present writ application for a direction to respondents to consider the case of the petitioner for compassionate appointment. The father of the petitioner died in harness on 16.12.2014.

3. Learned counsel for the petitioner submits that the rule prevalent at the time of the death of the father of the petitioner and submission of the application for appointment of the petitioner is applicable in the matter of compassionate appointment of the petitioner.

4. The respondents cannot deny considering the case



of the petitioner for compassionate appointment. Referring to the correspondence made on 28.12.2016, learned counsel for the petitioner submits that the compassionate appointment is adopted as a measure of social security to the dependant of the bread earner, who died in harness, so that the family may tide over the financial crisis on account of death of the bread earner.

5. The respondents are required to take steps so that immediate supported is provided to the family, as the father of the petitioner died on 16.12.2014 and more than three have passed by now, the respondents are sitting tight over the matter. Learned counsel submits that the respondents may be directed to take immediate step in the matter of appointment of the petitioner so that the financial crisis occasioned on the death of the bread earner in the family may be taken care.

6. Considering the totality of the facts situation, the Court is of the view that the respondents are required to consider the case of the petitioner for compassionate appointment in the light of the then existing rule and they cannot be allowed to keep the matter of compassionate appointment in abeyance in the name of seeking clarification from the NCTE.

7. Accordingly, the writ application is disposed of



with a direction to respondent nos. 3 and 4 to immediately take decision in the matter of compassionate appointment to the petitioner in the light of the then existing rules within 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	

