

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20282 of 2016**

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Jay Prakash Narayan Ram, Son of Late Saryug Prasad Ram, Resident of  
Village and P.O.- Karhari, Police Station- Laukahi, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education  
Department, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Madhubani, District- Madhubani.
3. The District Education Officer, Madhubani, District-Madhubani.
4. The District Programme Officer, Madhubani, District-Madhubani.
5. The Block Development Officer, Jai Nagar, District-Madhubani.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Purushottam Jha, Advocate

For the Respondent/s : Mr. Jitendra Kumar Roy No-1, SC-13

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR  
UPADHYAY  
ORAL ORDER**

2      05-02-2018                      Heard learned counsel for the petitioner and the  
  
State.

This writ application has been filed after service of  
two advance copies on 21.12.2016 to the office of learned  
Advocate General, but even after more than one year, respondents  
have not chosen to file counter affidavit.

The matter relates to compassionate appointment.  
The father of the petitioner died in harness on 15.10.2013.

Mr. Purushottam Jha, learned counsel appearing on  
behalf of the petitioner submits that the application for  
compassionate appointment was submitted to the respondents after  
completing all the formalities, but the respondents are sitting tight  
over the matter. Learned counsel for the petitioner has drawn the



attention of this Court to Annexure-2 to indicate that under the Scheme (Annexure-2) the petitioner's case is required to be considered for compassionate appointment.

Considering the fact that the respondents have not chosen to file counter affidavit and the case of the petitioner has not been decided either way by the respondents for compassionate appointment and the father of the petitioner died in harness on 15.10.2013, more than four years have passed by now there is no reason to keep the case pending. The application in proper format was submitted on 20.12.2013.

The respondents have framed policy where they have fixed the time limit for submission of application for compassionate appointment i.e. 5 years. By the same analogy, the respondents are required to take final decision expeditiously, but even after four years they have not taken any final decision, which indicates the mind set of the respondents.

Under the compelling circumstance, the writ application is disposed of with a direction to respondent no.4 to take final decision in accordance with their own policy for compassionate appointment within a maximum period of 60 days from the date of receipt/production of a copy of this order.

Uday/-

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**(Anil Kumar Upadhyay, J)**

