

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18985 of 2016

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1. Madhwi Kumari W/o Late Vijay Kumar Thakur, C/o Sri Ravindra Nath Thakur Resident of Village+ P.O.-Dhenga East, Via-Kaluahi, District-Madhubani
..... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga
4. The District Education Officer, Madhubani,
5. The District Programme Officer, (Establishment), Madhubani
6. The District Panchayat Raj Officer, Madhubani
7. The Block Development Officer, Rahika, Madhubani
8. The Block Development Officer, Rahika, Madhubani
9. The Panchayat Secretary, Village Panchayat Raj Hussainpur, Rahika, madhubani
10. The Mukhiya, Panchayat, Raj Hussainpur, Rahika, Madhubani
11. The Headmaster, Girls Primary School, Hussainpur, Rahika, Madhubani
..... Respondents

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Adv.
For the Respondents : Mr. Amit Bhushan, AC to GP XVII

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-02-2018 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The grievance of the petitioner in the present writ application is with regard to refusal of the respondent-Headmaster to accept joining in the matter despite appointment on compassionate ground.

In the counter affidavit respondent no. 5 has taken a stand that in view of the objection of the National Council for Teachers Education, the petitioner cannot be allowed to join



because the petitioner is not a trained person.

In view of the peculiar facts and circumstances of the case when the appointment was made by the respondent on compassionate ground the refusal to accept joining on the teaching post may have some justification on account of the objection of the National Council for Teachers Education. But, in any event the respondents are required to ensure compassionate appointment on any other post commensurate with the qualification of the petitioner in view of the judgment of the Apex Court in the case of **Sushma Gosain & Ors. Vrs. Union of India & Ors.** reported in **(1989) 4 SCC, 468** within a maximum period of sixty days, from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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