

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 193 of 2015

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Ajit Kumar Son of Pratap Narayan Mishra, resident of Mohalla Dakshin Darwaza
Sisoria Chanra, P.O.- Chanchanra, P.S.- Civil Lines, District- Gaya Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Patna.
2. The Principal Secretary, Human Resource Department, Government of Bihar, Patna.
3. The District Magistrate, Cum-Chairman Compassionate Appointment Committee, Gaya.
4. The District Education Officer, Gaya.
5. The Block Education Officer, Gaya Sadar, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-02-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“(i) Petitioner may be appointed in school service i.e. school Teacher on the basis of compassionate ground.

(ii) Petitioner is an eligible candidate for the appointment through he is a handicapped person by hearing.

(iii) Any other relief/reliefs may be granted to the petitioner as per the law of the land.”

3. The mother of the petitioner was an Assistant Teacher and died in harness on 07.10.2011. However, the petitioner being only Matric pass has not been given such appointment on the ground



that the policy envisages appointment only on contractual basis as a teacher with minimum eligibility being Intermediate pass.

4. Learned counsel for the petitioner submitted that he is handicapped and, thus, be given compassionate appointment and further that he may be given appointment on a Class-IV post if he does not possess the eligibility of being appointed as a contractual teacher.

5. Having considered the matter, the Court does not find any occasion to interfere for the reason that appointment on compassionate ground is not a matter of right and in fact is a departure to the constitutional principles, especially provisions of Articles 14 and 16 of the Constitution of India in matters of public employment. However, as per the policy of the State Government, which has been upheld by the Court, appointment on compassionate ground of wards of teachers dying in harness can now be made on the post of contractual teacher for which the minimum eligibility is Intermediate pass.

6. At this juncture, learned counsel for the petitioner submitted that he has passed the Intermediate examination in the year 2015, which fact could not be incorporated in the writ application as it was subsequent to the filing of the writ petition, in January, 2015.

7. In view thereof, he submitted that the writ petition be



disposed off with liberty to him to apply afresh before the authorities concerned for being appointed on compassionate ground which may be considered by them in accordance with law, expeditiously.

8. Learned counsel for the State does not oppose.

9. In view thereof, the writ petition stands disposed off with liberty aforesaid.

10. If the petitioner moves the authorities concerned in the matter, in the aforementioned terms, the same shall be considered and decision taken expeditiously, keeping in mind the fact that the mother of the petitioner passed away in the year 2011.

(Ahsanuddin Amanullah, J.)

P. Kumar

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