

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19553 of 2015

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Rahul Kumar Son of Late Rana Pratap Singh, Resident of Village - Nasrina,
P.S. - Kurtha, District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
2. The Director (Primary Education), Education Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The District Magistrate cum Chairman, District Compassionate Committee, Jehanabad.
4. The District Education Officer, Jehanabad.
5. The District Programme Officer (Establishment), Jehanabad.
6. The Block Education Extension Officer, Dumaria, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Advocate
For the State	:	Mr. Satya Prakash, AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-11-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner has filed the present writ petition for a
direction to the respondents to consider his case for compassionate
appointment.

In the counter affidavit stand has been taken that the
petitioner ought to have filed application for compassionate
appointment in the prescribed format before the District Education
Officer, Gaya instead of Jehanabad and as such the case of the
petitioner could not be considered.



Since the father of the petitioner died in harness on 26.12.2011 and the application of the petitioner was filed within time, although it was not before the District Education Officer, Gaya, it was the responsibility of the District Education Officer, Jehanabad to have returned the application to be placed before the District Education Officer, Gaya. Technicality cannot be a ground to defeat the compassionate appointment which is devised as social security measure.

Considering the objection of the respondents, the writ petition is disposed of with liberty to the petitioner to file an application in the prescribed format before the District Education Officer, Gaya along with a copy of this order, who shall be under obligation to place the case of the petitioner before the District Compassionate Appointment Committee within a period of one month from the date of filing of such application and the District Compassionate Appointment Committee and the District Establishment Committee are required to take appropriate decision in the matter of compassionate appointment of the petitioner within a further period of two months.

It is made clear that the petitioner had approached the District Education Officer, Jehanabad well within time, therefore, the respondents cannot reject the claim of the petitioner on the



ground of time barred particularly in view of the fact that the instant writ petition was filed on 21.12.2015 i.e. within the period of five years from the date of death of father of the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2018
Transmission Date	NA

