

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3893 of 2016

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Sanjay Kumar Mandal Son of Late Ramdeo Mandal, Resident of Deep Nagar
D.N. Chief Ghat Road Adampur, Police Station - Adampur, District -
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development
Department, Government of Bihar, Patna.
2. The Collector, Bhagalpur.
3. The District Education Officer, Bhagalpur.
4. The Sub Divisional Education Officer, Bhagalpur (South) District -
Bhagalpur.
5. The Circle Officer, Jagdishpur, District - Bhagalpur.
6. The Principal, Mokshada Girls Inter School, Bhagalpur, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate
For the Respondent/s : Mr. Manoj Kumar, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-01-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner in the present case is non-
consideration of his case for compassionate appointment.

From the counter affidavit it appears that the respondents
are maintaining stand that the petitioner is not holding requisite
qualification for appointment as primary teacher.

The object behind compassionate appointment is to provide
financial assistance to the family of the employee who died in
harness to tied over the financial crisis.

The petitioner has no choice but to accept any post on



compassionate appointment, the petitioner cannot claim, as a matter of course that his case should be considered for appointment as Panchayat Teacher. The circular for appointment of Panchayat Teacher in view of the subsequent change requires passing of training examination and also passing of TET examination. If a person has passed all the rigours then in that situation there is nothing like compassionate appointment or consideration of appointment on compassionate ground for appointment of the dependent of the bread earner who died in harness. The idea behind compassionate appointment is social security measures to tied over the financial crisis and the respondents are required to take final decision for compassionate appointment against any class III or Class IV post and they cannot deny consideration of the case of the petitioner for compassionate appointment on the ground that the petitioner does not possess the requisite qualification for appointment on the post of Panchayat Teacher.

Accordingly, the respondents are directed to consider the case for appointment of the petitioner on compassionate ground against any class III or Class IV post in terms of the relevant policy decision of the State Government within a period of three months from the date of receipt/production of a copy of this



order.

It is made clear that any circular issued by the respondents to consider the case for compassionate appointment only against the post of Panchayat Teacher ignoring the very concept of appointment which was adopted as measure of social security, is not applicable in the matter of compassionate appointment unless the applicant claims that his case is to be considered for appointment only against the post of Panchyat teacher.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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