

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4768 of 2018

Abhay Kumar @ Abhay Kumar Singh, Son of Late Vishwanath Prasad Singh, Resident of Village Sakhuana, P.S. Sahar, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director Education Department, Bihar, Patna.
3. The District Education Officer Bhojpur at Ara.
4. The District Programme Officer (Establishment) Bhojpur at Ara.
5. The Block Development Officer-cum-Secretary, Block Employment Unit Sahar, District Bhojpur at Ara.
6. The Block Education Officer, Sahar, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr. Smt. Binita Singh- SC-28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner and the State.

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

The father of the petitioner died in harness on 10.11.2011. The petitioner applied for consideration of his case for compassionate appointment in the prescribed form on 1.4.2013. The Block Development Officer, Sahar has recommended his case for compassionate appointment. On 24.10.2013 the District Education Officer had directed the



Block Development Officer, Sahar to take appropriate step. Thereafter guideline was sought by the Block Development Officer and it appears that correspondences between the BDO and the District Education Officer remained inconclusive and as a result of everlasting correspondences in the matter of compassionate appointment, the case of the petitioner was not finally decided.

The idea behind compassionate appointment is to provide financial assistance to the family of the bread earner died in harness so that the family may tide over the financial crisis occasioned on account of death of bread earner. It appears that five years correspondences between the officials of the State is not enough for taking final decision in the matter of compassionate appointment. The court does not appreciate the attitude of the respondents as they have prescribed five years time limit for making application for compassionate appointment and by that standard they are supposed to take at least decision within the time frame of five years and keeping the matter pending for more than five years indicates the lethargic attitude of the respondents.

In compelling circumstances, the Court directs the respondent-District Education Officer, Bhojpur and the District



Programme Officer, Establishment, Bhojpur to take final decision on the claim of the petitioner for compassionate appointment, if not already taken within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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