

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7596 of 2016

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Nirupa Sinha, W/o Late Rakesh Kumar Sinha, Resident of Patthar Ki Masjid,
Tekari Road, P.O. -Mahendru, P.S. -Sultanganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Principal Secretary, Human Resource Development Department, Bihar, Patna.
3. The Director, Primary and Middle School, Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer, Establishment, Madhubani.
7. The Head Master, Parvati Laxmi Girls High School, Jhanjharpur, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind, Advocate

For the Respondent/s : Mr. Shakib Ayaz, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 10-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner has filed the present writ application for a direction to the respondents to consider her case for appointment on compassionate ground.

The husband of the petitioner died in harness on 28.04.2007.

As per averment made in the writ application, the petitioner has filed application for consideration of her case for compassionate appointment in the year 2007 itself, but one or the other pretext, the case of the petitioner for compassionate appointment



was kept in abeyance. Now they have come out with a case that in view of the changed Rule, requirement of passing Training Examination and TET examination are condition precedent for appointment as Panchayat Teacher. In the year 2009 the State Government introduced scheme for appointment on the post of Panchayat Teacher on compassionate appointment. The claim of the petitioner is pending before 2009, the scheme was introduced by the respondents. The requirement of passing training examination and TET was introduced by way of amendment in Rule 2012. Even today as per the clarificatory letter issued by the Secretary, Education Department that appointment on compassionate ground on the post of teacher can be made with a condition that the appointee has to pass training examination and TET examination within a period of six years. Unfortunately, in the case of the petitioner, the respondents have adopted most indifferent attitude, which is in teeth of the scheme of compassionate appointment, which was introduced as a measure of social security to tide over the financial crisis on account of death of the bread earner.

In the aforesaid circumstances, the Court is constrained to dispose of the writ application with a direction to the respondents to consider the case of the petitioner in terms of the rule applicable for compassionate appointment at the time of death of the husband of the



petitioner in view of the law laid down by the judgment of the Hon’ble Supreme Court in the case of **Canara Bank & Ano. Vs. M. Mahesh Kumar**, reported in **2015 (3) PLJR SC 197** and the Division Bench of this Court in the case of **Union of India & Ors. Vs. Smt. Meena Devi**, reported in **2015 (2) PLJR 69**. Final decision in this regard must be taken by the respondents within a maximum period of 60 days

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2018
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