

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19521 of 2016

Shayan Kumar, son of late Mani Kumar, resident of village-Tikapatti, Police Station-Tikapatti in the district of Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna High Court
2. The Principal Secretary, Department of Education, Government of Bihar, Patna High Court
3. The District Compassionate Appointment Committee through its Chairman-cum-District Magistrate, Purnea
4. The District Magistrate-cum-Collector, Purnea
5. The District Education Officer, Purnea
6. The District Programme Officer (Establishment), Purnea
7. The Block Development Officer, Rupauli in the district of Purnea
8. The Block Education Officer, Rupauli in the district of Purnea
9. The Gram Panchayat, Block Rupali District- Purnea Dhusar Tikapatti through its Secretary
10. The Secretary, Gram Panchayat, Dhusar Tikapatti under Rupauli Block in the district of Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : SMT. SHILPA SINGH- GA12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-03-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner has approached this court for a direction to the respondents to consider the case of the petitioner for compassionate appointment.

Learned counsel for the petitioner submits that the father of the petitioner died in harness on 16.6.2013. He submits that the application for consideration of appointment on



compassionate ground was submitted by the petitioner in accordance with the guidelines for appointment on compassionate ground but the respondents are sitting tight over the matter. They have not taken any decision for appointment of the petitioner on compassionate ground.

In the counter affidavit, stand has been taken by the respondents enclosing Annexure-R-8/A the decision of the State Government communicated vide letter contained memo no. 1311 dated 28.12.2016 wherein it has been communicated that the dependent of teachers and non-teaching employee who are untrained may be consider for appointment on compassionate ground on the condition that they may obtain training and also pass TET examination within a period of six years.

Learned counsel submits that in the light of the decision of State, the respondents are required to make appointment and provide opportunity to obtain teachers training qualification and pass TET within a period of six years from the date of appointment and in view of the letter of the State Government contained in Memo No. 1311 dated 28.12.2016 the respondents are required to appoint the petitioner on compassionate ground and only after appointment they can insist to obtain teachers qualification in passing TET within a period of six years.



In view of the aforesaid, the respondents are directed to consider the case of the petitioner for appointment on compassionate ground in accordance with the letter dated 28.12.2016 within a maximum period of sixty days from the date of receipt/production of a copy of this order on the terms and conditions indicated in the letter dated 28.12.2016.

The entire exercise must be completed by the respondents within the time frame as indicated above.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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