

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20721 of 2013

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Pankaj Kumar Tiwari S/O Late Sudisht Tiwari R/O Village - Bhabhua, Ward
No.19, P.O. + P.S. Bhabhua, District - Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt.
Of Bihar, Patna
3. The District Magistrate - Cum - Chairman Of The District Compassionate
Appointment Committee, Bhabhua (Kaimur)
4. The District Education Officer, Bhabhua (Kaimur)
5. The District Programme Officer (Establishment) Bhabhua (Kaimur)
6. Bihar Sanskrit Shiksha Board, Patna through its Secretary.
7. The Headmaster, Sarswati Sanskrit High School, Kaimur (Bhabhua) at +P.S.
Bhabhua, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

11 04-09-2018 Heard Mr. Rajendra Prasad Singh, Sr. counsel

appearing on behalf of the petitioner and learned counsels

appearing on behalf of the Sanskrit Shiksha Board, State as well

as the private respondents.

This writ petition was filed for a direction to the
respondents to consider the case of the petitioner for
compassionate appointment.

Learned counsel appearing on behalf of the private
respondents submits that the scheme of compassionate
appointment is not applicable in the school in question and as
such no relief can be granted to the petitioner in this proceeding.



The father of the petitioner was a Peon in Sanskrit Sarswati Sanskrit Ucch Vidyalaya, Bhabhua, Kaimur. He died in harness and thereafter, the petitioner approached the respondents for consideration of his case for compassionate appointment.

From the pleadings, it appears that at one point of time, the Sr. Deputy Collector, Bhabhua has asked the petitioner to file affidavit so that his case may be considered for compassionate appointment. The father of the petitioner died in 2013. We are in 2018. The compassionate appointment is regulated by a scheme and it is not available as a matter of right.

From the Annexure-4 series, it appears that petitioner has filed application for appointment on compassionate ground before the District Magistrate, Kaimur at Bhabhua and Sanskrit Shiksha Board, Patna but no decision was taken one way or the other.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondents if the application for compassionate appointment is still pending at the level of the respondents they may take final decision one way or the other.

It is made clear that this Court has not expressed any opinion on the validity of claim of the petitioner for compassionate appointment. However, the respondents have to



take decision if it is not maintainable they may reject the same by assigning reason or the petitioner's claim is sustainable in law and if the scheme of compassionate appointment is applicable in the Sanskrit school then the respondents may consider the case of the petitioner sympathetically and pass appropriate order.

Final decision on the claim of the petitioner may be taken by the respondents within a maximum period of four months 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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