

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16427 of 2017

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Rajhans, son of Sunil Prasad Sah, resident of Village- Surya Bhagwabn Mandir
Kasoh, P.S. Kasba, District Purnia.

.... Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education Govt. of Bihar, Patna.
4. The District Magistrate, Purnea.
5. The District Education Officer, Purnea.
6. The District Programme Officer (Establishment), Purnea.
7. Block Education Officer, Block Kasba, District- Purnea.
8. Panchayat Secretary-cum- Employment Unit, Gram Panchayat Kulla Khas,
Block Kasba, Police Station Kasba, District Purnea.
9. Mukhiya, Gram Panchayat Kalla Khash, Police- Station Kasba, District Purnea.
10. Head- Master, Primary School Dilgah Sahjee Kulla Khas, Block Kasba, District
Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate
Mr. A. Ankit, Advocate

For the Respondent/s : Mr. Narendra Kumar, AC to GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 19-04-2018

Heard learned counsel for the petitioner and respondents.

2. The petitioner was appointed on compassionate ground
on 24.02.2016.

3. After compassionate appointment, the respondent
District Programme Officer (Establishment), Purnea has issued letter
directing to cancel the appointment of the petitioner on 05.09.2017
(Annexure-6).

4. Mr. Ashok Kuamr Chaudhary, learned counsel



appearing on behalf of the petitioner submitted that vide Annexure-7 similarly circumstanced petitioners were granted relief by order dated 15.09.2017 passed a Co-ordinate Bench of this Court in C.W.J.C. No. 7312 of 2017 and the order of termination was quashed.

5. In fact the Secretary of the Education Department has issued letter wherein it is indicated that untrained and the candidate not cleared TET, is required to clear TET and obtain training certificate within a period of six years from the date of appointment.

6. Since the petitioner was appointed on compassionate ground in the year 2016, the action of the respondent District Programme Officer (Establishment) Purnea directing cancellation of appointment of the petitioner is unsustainable in law. Apart from the procedural impropriety in terminating the petitioner, there are other reason for interference with the order of termination (Annexure-6) including the fact that the idea behind compassionate appointment is to provide succor to the family of the employee, who died in harness and as such the case of compassionate appointees have to be considered with sympathy and compassion.

7. Considering the totality of the facts situation, the Court cannot approve the order, as contained in Annexure-6. It is accordingly, quashed. The respondents are directed to grant all consequential benefit including the arrears as well as current salary, as



a consequence of quashing of Annexure-6 to the writ petition.

8. With the aforesaid, the writ application stands allowed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2018
Transmission Date	

