

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.476 of 2018

=====

Monalisha Raj, Daughter of Shri Sunil Kumar, Resident of Village-Kapia
Nizamat Tole Mohan Bazar, Post Office + Police Station- Maharajganj,
District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna
3. The Principal Secretary, Personnel and Administrative Reforms
Department Government of Bihar, Patna.
4. The deputy Secretary, Personnel and Administrative Reforms
Department, Govt. of Bihar, Patna.
5. The Director, Primary Education, Education Department, Bihar, Patna.
6. The District Level Compassionate Appointment Committee through its
Chairman, the District Magistrate, Siwan.
7. The District Education Officer, Siwan.
8. The District Programme Officer (Establishment), education, Siwan.
9. The Prakhanda Pramukh-cum-Chairman of Block Teachers Selection
Committee Prakhanda- Maharajganj, District-Siwan.
10. The Block development Officer-Cum-the Executive officer-Cum-the
Secretary, Block Teachers Selection Committee, Prakhanda-Maharajganj,
District-Siwan.
11. The Block Education Officer, Maharajganj, District-Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Smt. Binita Singh, SC-28
AC to SC-28

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 24-01-2018

Heard learned counsel for the petitioner and State.

2. The grievance of the petitioner with reference to
Annexure-16 is that the respondents are acting contrary to their
policy decision with regard to compassionate appointment. The
idea behind compassionate appointment is to provide financial
assistance to the family of the bread earner, who died in harness.



The State Government has already prescribed time limit for submission of application to ensure minimum relief to the family and not to consider the stale claim.

3. Unfortunately, the respondent authorities are acting contrary to the objective of compassionate appointment, the authorities are required to consider the case of the applicant for appointment in accordance with the scheme of compassionate appointment. The dependants of the employee, who died in harness, have no option for a particular post for compassionate appointment. The respondent authorities are required to consider the case of the petitioner for compassionate appointment against any post of Class-III or IV and they cannot just deny considering of his case on the ground that the petitioner's case for appointment can only be considered against the post of Teacher, for which there is requirement not only passing teachers training examination but passing of Teacher Eligibility Test. Such condition for consideration for appointment on compassionate ground is not consistent with the objective of compassionate appointment.

4. Accordingly, the respondents are directed to consider the case of the petitioner for compassionate appointment against any Class-III or IV post within a maximum period of four



months from the date of receipt/production of a copy of this order.

5. The decision must be taken by the competent authority including the District Compassionate Appointment Committee within the time limit indicated herein above.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

U			
---	--	--	--

