

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3727 of 2018

Most. Manjoo Kuer Wife of Late Sanjay Kumar Ram, Resident of Village-
Karath, Police Station- Tarari, District- Bhojpur Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The District Education Officer, Bhojpur at Ara.
4. The District Programme Officer, Bhojpur at Ara.
5. The Block Development Officer, Tarari, Police Station- Tarari, District- Bhojpur Bihar.
6. The Block Education Officer, Tarari, Police Station- Tarari, District- Bhojpur Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Singh No.4, Adv. Mr. Dharmendra Kumar Singh, Adv.
For the Respondent/s	:	Smt. Binita Singh-Sc28 Mr. Nishant Kumar Jha, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 13-02-2019 The present writ petition has been filed for quashing the order dated 28.11.2017 passed by the Block Development Officer, Tarari, Bhojpur whereby and whereunder the case of the petitioner for appointment on compassionate ground has been rejected on the ground that the petitioner cannot be appointed on the post of teacher since she is not graduate trained.

The learned counsel for the petitioner has relied on a judgment dated 06.02.2018 passed by a Co-ordinate Bench of this Court in CWJC No. 14119 of 2016, relevant paragraph whereof are quoted herein below:-



“Learned counsel for the respondents, with reference to Annexure ‘B’ to the counter affidavit, submits that in view of the departmental notification no. 1769, dated 24.11.2014, untrained teacher cannot be appointed and, as such, direction was issued to the petitioner to undergo teachers’ training and, thereafter, apply for compassionate appointment.

The idea of compassionate appointment is a social security to provide immediate financial assistance to the dependants of the persons who died in harness. Respondents are supposed to consider the case of the petitioner for appointment against any post considering his qualification, eligibility and suitability. They cannot just insist the condition of undergoing training in order to apply for compassionate appointment. Beggars are not choosers. The petitioner is the dependant of the employee who died in harness has no option but to seek any job whether Class III, Class IV or teaching post and in view of the judgment of the Apex Court reported in **Sushma Gosain & Ors. Vs. Union of India & Ors.**, reported in (1989) 4 SCC, 468 the respondents are required to consider the case of the petitioner against any post. In that case the Apex Court has observed to create a supernumerary post for compassionate appointment, considering the financial hardship faced by the dependants of bread-earner.”

The learned counsel for the respondents does not dispute the position as existing in law.

Having regard to the facts and circumstances of the case, as also taking into account the aforesaid judgment dated 06.02.2018, the impugned order dated 28.11.2017 passed by the Block Development Officer, Tarari, Bhojpur is quashed and the respondents are directed to consider the case of the petitioner for



appointment against any Class III or Class IV post on
compassionate ground within a period of eight weeks from
today.

With the aforesaid observations and directions, the
writ petition is disposed of.

(Mohit Kumar Shah, J)

Tiwary/-

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