

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6062 of 2020

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Rituraj, Daughter of Sudhir Kumar, Resident of Mohalla- Usufpur Chorasias,
Post- Hajipur, P.S.- Industrial Area, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Department, Human Resources Department, Govt. of Bihar, Patna.
4. The District Magistrate, District- Vaishali at Hajipur.
5. The District Education Officer, Vaishali at Hajipur.
6. The District Programme Officer (Establishment), Vaishali at Hajipur.
7. The Block Education Officer, Hajipur.
8. The Head Master, Rajkiya Middle School Chandi, Hajipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed seeking a Writ in the nature of Mandamus to direct the respondents to consider the case of the petitioner for appointment on compassionate ground as her mother died in harness while working on the post of Prakhanda Teacher.

3. In the counter affidavit, a plea has been taken that this petitioner had made her application on 28.06.2017 for her appointment on the post of Teacher on compassionate ground



but the petitioner had not passed Teacher Eligibility Test (TET), therefore, in terms of Rule 5(2) of the Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules, 2012, the claim of the petitioner for her appointment on the post of Teacher is not tenable.

4. Learned counsel for the petitioner submits that if the claim of the petitioner was not tenable for appointment as Teacher, she should have been considered for any other post in accordance with the Government's Policy but that has not been done. It is further stated that in the meantime, the petitioner has been declared 'qualified' in the TET, therefore, she has acquired the eligibility also.

5. From the counter affidavit filed on behalf of the State, it appears that even as the plea of eligibility has been raised against the petitioner, no specific order considering the case of the petitioner has been brought on record by the respondents. This gives an impression to the Court that the matter relating to the appointment of the petitioner on compassionate ground has yet not been duly considered and decided by the competent authority.

6. In the circumstances, this Court directs the respondents to consider the case of the petitioner for



appointment on compassionate ground on a suitable post considering her eligibility. The petitioner shall make available her educational credentials and the result of the TET declaring her a 'Pass' to the competent authority within a period of four weeks from today which shall also be taken into consideration.

7. Let the entire exercise be completed within a period of three months from the date of receipt/communication of a copy of this order.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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