

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12767 of 2019

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Rajeev Kumar, Son of Late Ganesh Sharma, Resident of Village- Bhabhua,
Ward No. 11, P.S.- Bhabhua, District- Kaimur (Bhabhua). Petitioner
Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Secretary of Human Resources Development Department, Government of Bihar, Patna.
3. The D.M. Kaimur (Bhabua) cum- Chairman of the District Compassionate Appointment Committee, Kaimur (Bhabhua).
4. The District Education Officer, Kaimur (Bhabhua).
5. The District Programme Officer (Establishment), Kaimur (Bhabhua).
6. The Headmaster of Sharda Braj Raj High School, Mohaniya, Kaimur.
7. The Executive Engineer, Nagar Panchayat Mohania, Kaimur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
		Mr. Mukund Mohan Jha, AC to GP-27
For the Resp No. 7	:	Mr. Gopal Jha, Advocate
For the Resp No. 6	:	Mr. Om Prakash Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 24-08-2023 Heard learned counsel for the parties.

2. This writ application has been filed for the
following reliefs:-

- “i. For issuance of an appropriate writ or writs for quashing of the Memo No. 831 dated 11.09.2018 issued under the signature of the District Education Officer, Kaimur (Bhabhua) and the District Programme Officer, Kaimur (Bhabhua) contained in Annexure -4 to the writ petition, whereby claims of Compassionate appointment of the petitioner has been rejected.
- ii. For issuance of an appropriate writ or direction to the respondents to make appointment of the petitioner on compassionate grounds on any post even on the fixed pay which may be available.
- iii. Any other relief or reliefs for which the



petitioner is found entitled in the eyes of law be granted to him.”

3. It is the case of the petitioner that his father died in harness on 13.09.2015 while he was working at the post of Clerk at Sharda Braj Raj High School, Mohaniya (Kaimur) (hereinafter referred to as the ‘School’) after completion of thirty seven years ten months and eleven days of regular service on permanent post. He left behind his widow, four sons and two daughters who were dependent upon him. The petitioner claims that he is graduate unemployed and passed his examination in the year 2009 in First Class. After death of his father, he made an application for appointment on compassionate ground, an inquiry was conducted and thereafter he was recommended for appointment on the post of Clerk and the Headmaster of the School forwarded the application of the petitioner with the District Education Officer but thereafter no action was taken. The petitioner had moved this Court in CWJC No. 2063 of 2017 in which a direction was issued to the respondents to take a final decision on the claim of the petitioner.

4. The case of the petitioner is that the Authorities took a decision as contained in Annexures ‘4’ and ‘5’ of the writ application whereby the request of the petitioner for compassionate appointment has been rejected. From a combined reading of Annexures ‘4’ and ‘5’, it appears that the respondents have taken a view that for appointment on the post of Teacher on



compassionate ground, an applicant is required to have passed the Teacher's Eligibility Test which the petitioner had not done.

5. At this stage, an affidavit has been filed by respondent no. 7. Along with affidavit, a copy of letter as contained in Memo No. 1211 dated 17.08.2023 has been enclosed as Annexure 'R/7-A'. There is also a statement in paragraph '10' that the respondent no. 7 has taken a decision for appointment of the petitioner on the sanctioned and vacant post of School Attendant/Parichari in Sharda Braj Raj +2 High School under the Mohaniya Nagar Panchayat and the same has been sent to the petitioner for his consent.

6. In view of the developments which are recorded in the counter affidavit of the respondent no. 7, this Court is of the considered opinion that this writ application has become infructuous. The petitioner may, if so advised, give his consent and join on the given post. So far as the impugned orders are concerned, no infirmity or illegality may be found in the impugned orders.

7. This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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