

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4220 of 2022

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Gopal Kumar Son of Late Subodh Kumar Singh resident of Village- Sonapur
Dih, P.O. Hanspur, P.S.- Nayagaon, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Personnel Administrative Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate Cum President District Compassionate Committee, Begusarai.
4. The District Superintendent of Education, Begusarai.
5. The District Programme Officer, Begusarai.
6. The Headmaster, R.K.L. High School, Matihani, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Choudhary, Advocate
For the State	:	Mr. Md. Nadim Seraj, GP-5
		Mr. Shahbaj Alam, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 03-09-2024

Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner seeking an appointment on compassionate basis on the ground that the petitioner's father died in harness on 27.12.2019 while working as clerk in R.K.L. High School, Matihani, Begusarai under the Government of Bihar.

3. The respondent nos. 4 and 5 have filed a counter affidavit, wherein no specific stand has been taken by the State as regards the entitlement/ non entitlement of the petitioner for



an appointment on the compassionate basis. Such evasive counter affidavit filed by the State is deprecated by this Court.

4. The petitioner, in the meanwhile, has filed an I.A. No. 01 of 2024, wherein it has been stated that during the pendency of the writ petition, the petitioner has been appointed as School Assistant in the Governmentized Bharat Sevak Samaj +2 School, Harpur, Begusarai on 16.11.2022 on a salary of Rs. 16,500/- per month. The petitioner by the interlocutory application filed seeks regular appointment of the petitioner on compassionate basis. Neither the petitioner nor the State, however, have placed on record rules/ guidelines/ policy decision of the State for compassionate appointment.

5. Under the circumstances, no adjudication on the prayer of the petitioner for compassionate appointment on regular basis can be adjudicated in the absence of the rules/ guidelines/ policy decision of the State Government governing the compassionate appointment in the State.

6. In that view of the matter, this writ petition, is hereby disposed off with a direction to the petitioner to submit a representation before the respondent no.2 – the Principal Secretary, Education, Department, Government of Bihar, Patna, for appointment of the petitioner on compassionate ground on



the death of the petitioner’s father on 27.12.2019 while working as clerk in the R.K.L, High School, Matihani, Begusarai.

7. As and when such representation is filed by the petitioner, the respondent no.2 – the Principal Secretary, Education, Department, Government of Bihar, Patna, is hereby directed to consider the case of the petitioner in accordance with the rules relating to the compassionate appointment and pass a reasoned and speaking order within a period of four weeks from the date of receipt of the representation filed by the petitioner.

8. The writ petition is disposed off with the above directions.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.09.2024
Transmission Date	N/A

