

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6251 of 2019

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Kumari Radhika @ Radhika Daughter of Late Surendra Shukla Resident of
Village- Morwan, Post Office- Mithaura, Police Station- Nichlaul, District-
Maharajganj (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Principal Secretary, Personal and Administrative Reforms Department,
Govt. of Bihar, Patna.
4. The Director Primary Education, Bihar, Patna.
5. The Deputy Secretary, Personal and Administrative Reforms Department,
Govt. of Bihar, Patna.
6. The District Magistrate, Gopalganj.
7. The District Education Officer, Gopalganj.
8. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr. Prabhakar Jha, G.P.-27

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 29-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present application has been filed for the
following reliefs:

*I. For quashing of letter contained in
letter no. 574 dated 26.04.2018 issued
by the Department of Education, Govt.
of Bihar under the signature of
Director Primary Education whereby
and where under all District Education
Officers and District Programme
Officer (Establishment) were intimated*



that in view of the communication issued by the NCTE (head quarter).

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to appoint the petitioner on compassionate ground in place of her father Late Surendra Shukla, who died in harness, while working as a Headmaster in Govt. Panchayat High School Mishir Batrahan, District - Gopalganj and for that the petitioner has made the application for her compassionate appointment but till date the same has not been done.

III. For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 1702 dated 06.08.2018 issued under the signature of the District Programme Officer (Establishment), Gopalganj addressing to the petitioner, in which, it has been mentioned that application of the petitioner has been postponed for the present and when the ban for consideration for compassionate appointment will be lifted, the same will be considered, without appreciating the fact and circumstances that compassionate appointment is to mitigate the hardship of the deceased's bereaved family.

IV. For issuance of an appropriate writ in the nature of Mandamus for commanding and directing the respondent authorities concerned to



appoint the petitioner on compassionate ground on class -III post, without any further delay even without teachers training, as she undertakes that she will undergo for in service training course as and when, the State Government will send her for in service training course as it is being done to the similarly situated dependents of the deceased.

V. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner will be found entitled in the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that the father of the petitioner, namely, Surendra Shukla was working as a Headmaster in Government Panchayat High School Mishir Batrahan, District-Gopalganj, who died in harness on 12.09.2013. The petitioner, being eligible to be considered for her appointment on compassionate ground, made an application in proper format along with all relevant documents, which was being duly recommended by the Headmaster of the Government Panchayat High School, Mishir Batrahan, Gopalganj. Learned counsel for the petitioner further submits that the District Programme Officer (Establishment), Gopalganj, instead of directing for compassionate appointment of the petitioner, has postponed the application of the petitioner



on the ground that there is ban by the Department for compassionate appointment/employment, which is not just and proper.

3. A counter affidavit has been filed on behalf of the respondent no. 6 in which it is, *inter alia*, stated that the claim of the petitioner has rightly been rejected by the D.P.O. (Establishment), Gopalganj, which is not under challenge in the present writ petition.

4. Considering the facts and circumstances of the case, this writ petition is disposed of directing the respondent no.8, the District Programme Officer (Establishment), Gopalganj to consider the case of the petitioner for appointment on compassionate ground within a period of ten weeks from the date of production/receipt of this order.

5. Respondent no. 8 shall be solely liable for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

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