

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6224 of 2023**

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Parmanand Lal S/o Late Rameshwar Prasad Singh Resident of Village-  
Bhagawanpur, P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Education Department,  
Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Education Officer, Gaya.
4. Pawan Kumar, Posted as Clerk, Punit Plus 2 High School, Bhaiya Bigha,  
Upthu, Dewan, Fatehpur, Gaya, Bihar, Pin Code- 824233.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner | : | Mr. Awadhesh Prasad Sinha, Advocate |
| For the State      | : | Mr. Kameshwar Kumar, GP-17          |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      12-11-2024                      Heard learned counsels for the parties.

2. This writ application has been filed for issuance of a direction upon the District Magistrate, Gaya (Respondent No. 2) and District Education Officer, Gaya (Respondent No. 3) to initiate departmental proceedings against private Respondent No. 4, who was appointed on compassionate appointment, for not maintaining the dependents of the family.

3. Father of this petitioner, namely Rameshwar Prasad Singh, who was posted as Head Master at Primary School, Kundwa, Block- Khijarsarai, District- Gaya and died in harness on 16.02.1998. Thereafter, private Respondent No. 4, who happens to be brother of this petitioner, got appointed on



compassionate ground, however, he is not maintaining the petitioner and other dependents of the family of the deceased.

4. It is submitted by learned counsel appearing on behalf of the petitioner that in this regard, the State of Bihar has also issued a notification vide Resolution No. 11946 dated 30.11.1984 (Annexure-7 to this writ application) to grant such benefits to the dependents of deceased employees. It is further submitted that petitioner has also filed an application dated 20.09.2022 (Annexure-6 to this writ application) before the District Education Officer, Gaya (Respondent No. 3), which is still pending for adjudication.

5. It is settled law that principle reason for offering appointment on compassionate ground, bypassing the regular procedure of recruitment through open competition and selection method, is that the persons who are appointed on compassionate ground will maintain those who were the dependents in the family of the deceased employee. If the person does not discharge the duty after getting the employment, he will be guilty of violating the conditions of service. In appropriate cases, paying 1/3<sup>rd</sup> of the salary of the compassionate appointee could protect the dependents.

6. In light of the settled principle of law, notification



issued by the State government and facts and circumstances of the case, this Court thinks it appropriate to dispose of this writ application with a direction to the District Education Officer, Gaya (Respondent No. 3) to look into the matter and dispose of the application dated 20.09.2022, which is said to have been filed by the petitioner, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of ten weeks from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, this writ application stands disposed of.

**(Prabhat Kumar Singh, J)**

shashank/-

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