

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8811 of 2022

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Pankaj Kumar Son of Late Parmanand Prasad Singh Resident of Village-
Gokhula Rupauli, P.O.- Gokhula, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education Tirhut Divison, Muzaffarpur.
5. The District Compassionate Committee, Muzaffarpur Through the Chairman-cum-District Magistrate, Muzaffarpur, District- Muzaffarpur.
6. The District Education Officer Muzaffarpur, District- Muzaffarpur.
7. The District Programme Officer (Establishment) Muzaffarpur, District- Muzaffarpur.
8. The Headmaster Sanskrit Middle School, Gokhula, Block- Paroo, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1 (Sc 13)
		Mr. Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 04-09-2024 Heard learned counsel for the parties.

2. The petitioner has filed this writ petition seeking a direction to the respondents for appointment of the petitioner on compassionate ground by contending that the petitioner's father died in harness on 07.06.2014, while working as Assistant Teacher in Sanskrit Primary-cum-Middle School, Gokhula, Block-Paroo, District-Muzaffarpur. The petitioner has not

enclosed the rules/guidelines/policy decision of the government in the writ petition for appointment on compassionate ground.

3. While the petitioner has not enclosed the rules/guidelines/policy decision of the State Government governing the compassionate appointment, the petitioner contends that he had submitted a representation to the Principal of the Sanskrit Primary-cum-Middle School, Gokhula, Block-Paroo, District-Muzaffarpur on 28.06.2014 which was forwarded by the Principal.

4. It is also stated that the Regional Deputy Director of Education, Muzaffarpur has also forwarded the application of the petitioner to the District Education Officer, Muzaffarpur vide letter dated 25.06.2019, for consideration of the appointment of the petitioner on compassionate ground.

5. Learned State counsel has, however, pointed out that the Competent Authority to take a decision on compassionate appointment is the respondent No. 5/The District Compassionate Committee, Muzaffarpur through the Chairman-cum-District Magistrate, Muzaffarpur on the application being forwarded by the respondent No. 6/The District Education Officer, Muzaffarpur.

6. Since the petitioner has not enclosed the

rules/guidelines/policy decision of the Government for appointment on compassionate ground, no adjudication on the right or otherwise of the petitioner for appointment on compassionate ground is possible, in the facts of the present case. Also having taken note of the fact that the petitioner's father died in harness as far as back in the year 2014 and the application submitted by the petitioner also dates back to 2014 that too to the Principal of the school who is stated to be not the Competent Authority to take a decision on compassionate appointment and also in view of the fact that the recommendation made by the Regional Deputy Director of Education, Muzaffarpur to the District Education Officer, Muzaffarpur also dates back to the year 2019, I am of the considered view that ends of justice would be met, if this writ petition is disposed of with a direction to the petitioner to file a fresh representation before the competent authority, namely, the respondent No. 6/The District Education Officer, Muzaffarpur. who shall then forward the same application for consideration by the respondent No. 5/The District Compassionate Committee, Muzaffarpur through the Chairman-cum-District Magistrate, Muzaffarpur.

7. It is hereby ordered, accordingly.

8. As and when such representation is filed by the petitioner, the respondent No. 6/The District Education Officer, Muzaffarpur. and the respondent No. 5/The District Compassionate Committee, Muzaffarpur through the Chairman-cum-District Magistrate, Muzaffarpur shall consider the representation filed by the petitioner, in accordance with law, and pass a reasoned and speaking order within a period of four weeks' from the date of receipt of the representation.

9. The writ petition is disposed of with the above direction.

(Nani Tagia, J)

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