

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9224 of 2023

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Bhanu Pratap Singh Son of Late Lalan Singh Resident of Village-Chhajwa,
Police Station-Andar, District-Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Patna.
2. The Additional Chief Secretary-Cum- the Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Additional Chief Secretary-Cum- the Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
4. The Deputy Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
5. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
6. The District Magistrate, Siwan.
7. The District Education Officer, Siwan.
8. The District Programme Officer (Establishment), Education, Siwan
9. The Block Education Officer, Raghunathpur, District-Siwan.
10. The Block, Panchayati Raj officer, Raghunathpur, District-Siwan.
11. The Panchayat Secretary, Gram Panchayat Raj Gabhirar, Anchal-Raghunathpur, District-Siwan.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mrs Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 18-11-2024 Present writ petition has been filed for quashing letter no. 1268 dated 4.5.2023, issued by the District Programme Officer, Raghunathpur, District Siwan by which he has returned application of the petitioner for his compassionate appointment.

2. Learned counsel for the petitioner submits that the father of the petitioner Late Lalan Singh while working as “Panchayat Teacher” in Government New Primary School, Bindtola,



Gabhirar, Anchal Raghunathpur, District Siwan, died in harness on 09.03.2020. After death of his father, the petitioner being the dependent son filed an application before the competent authority for consideration of his case for compassionate appointment. Learned counsel next submits that there is a Government resolution i.e. resolution no. 1128 dated 21.08.2020 for appointment on compassionate ground to the dependents of the teachers, who died in harness.

3. Learned counsel for respondent no.8 has filed counter affidavit. In paragraph 15 of the counter affidavit, it is stated that petitioner's application for his compassionate appointment on the post of School Assistant was considered by the Deputy Development Commissioner cum Chief Executive Officer cum Secretary, Zila Parishad, Employment Unit, Siwan and Zila Parishad Compassionate Appointment Committee prepared the Panel for appointment of School Assistant and School Parichari in which name of petitioner appears at S. No. 49. In the said Panel dated 24.12.2021, total 30 candidates (15 on post of School Assistant and 15 on the post of Parichari) were appointed as per vacancies available. It is further stated that claim of petitioner will be considered, as and when vacancies arise against the post of School Assistant. A copy of the Panel is contained in annexure R/C to the counter affidavit.



4. Learned counsel for the State as well as learned counsel representing respondent no.8 submit that from perusal of the records of the case, it appears that for the first time petitioner filed representation claiming compassionate appointment in 2021 which was considered and disposed of, vide Panel contained in Annexure R/C to the counter affidavit, stating that cases of total 30 applicants had been considered for compassionate appointment and petitioner's case was not taken up as he was at S.No. 49. It was also observed that claim of petitioner will be considered, as and when vacancies arise, against the post of School Assistant. Petitioner being aggrieved with the said Panel, did not challenge the same, instead he filed another representation for compassionate appointment in 2023 which has rightly been returned by the District Programme Officer (Establishment), Siwan vide letter no. 1268 dated 4.5.2023 (annexure 9 to the writ petition). Learned counsel for respondent no.8 submits that since representation of the petitioner for appointment on compassionate ground has already been considered and disposed of with recommendation by the Zila Parishad Compassionate Unit, Siwan, who is the competent authority, as such, petitioner has got no occasion for filing another representation for same relief and in that view of the



matter, present writ petition lacks merit and is fit to be dismissed.

5. Having heard learned counsel for the petitioner, the respondents and on going through the materials available on the record, I find substance in the submission of learned counsel for the respondents. Since, petitioner's grievance has already been addressed by respondents vide Panel recommendation dated 24.12.2021 and the petitioner has never challenged said Panel recommendation and filed another representation in 2023 which has rightly been returned by the respondents vide letter no. 1268 dated 4.5.2023.

6. In view of the above discussions, writ application stands disposed of.

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(Prabhat Kumar Singh, J)

