

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9416 of 2023

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Ashok Kumar S/o Ramji Prasad, R/o Village- Khedu Bigha, P.O.- Aatt, P.S.-
Bain, District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education
Department, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The District Education Officer, Nalanda.
4. The District Programme Officer (Establishment), Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and the

respondents.

2. Writ petition has been filed for a direction to the
respondents to consider the application of the petitioner for
appointment on compassionate ground. Father of the petitioner
died in harness on 16.6.2021 while working on the post of a
peon in Vidya Bihar +2 High School, Eksara, Nalanda.

3. Respondent no.4 has filed counter affidavit. In
paragraph 7 it is stated that vide letter no.978 dated 09-07-2021
the Education Department, Bihar, Patna (Director Secondary
Education) has passed an order whereby it is stated that the



application for appointment on compassionate ground shall be considered on the basis of seriatim of date of death of the employee if application was found more than the vacancies. A copy of letter no. 978 dated 09-07-2021 is annexed here with and marked as Annexure-B to this Counter Affidavit. In paragraph 8 thereof it is stated that vide memo no. 888 dated 27-08-2021 the Education Department issued notification regarding the appointment Legal Hairs of the teaching and non-teaching employees who died in harness after 01-07-2006. Sub clause (V) of Clause-5 of the said notification has categorically stated that the legal hairs of the teaching or non-teaching employee shall be appointed against the post of school Assistant or Peon as per their educational qualification and they will be appointed through the recommendation by the concerned District Education Officer. A true copy of memo no.888 dated 27-08-2021 is annexed here with and marked as Annexure-C to this counter affidavit. In paragraph 9, respondent no.4 has stated that the application of the petitioner is being considered in light of the above said notification and orders. As such, as and when vacancy will be available, the application of the petitioner shall be considered for appointment as per the seriatim.

4. In view of the averments made in the counter



affidavit, no positive order is requierd to be passed at this stage
as the case of the petitioner is under consideration depending on
the availability of future vacancies in the Department.

5. Writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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