

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15812 of 2024

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Guddu Kumar S/O Late Yogendra Paswan Resident of village and P.O.-
Ragopur, Bakhri, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Department,
Government of Bihar, Patna.
3. The Director of Primary Education, Government of Bihar, Patna.
4. The Collector, P.S.- Town Sitamarhi, Bihar
5. The District Education Officer, Sitamarhi, District- Sitamarhi, Bihar.
6. The District Programme Officer, (Establishment), Sitamarhi, District-
Sitamarhi, Bihar.
7. The District Welfare Officer, Sitamarhi, District- Sitamarhi, Bihar
8. The Block Education Officer, Mejorganj, P.S.- Mejorganj, District-
Sitamarhi, Bihar.
9. The Block Education Officer, P.S.- Sitamarhi Town, District- Sitamarhi,
Bihar.
10. The District Compassionate Appointment Committee Sitamarhi, P.S.- Town
Sitamarhi, District- Sitamarhi, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash
For the Respondent/s : Mr. Standing Counsel 21

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-10-2024 1. Heard learned counsel for the petitioner and
learned AC to SC-21.

2. The learned counsel appearing on behalf of the
petitioner submits that the instant writ application has been filed
seeking quashing of the Memo No. 322 dated 22.01.2020 passed
by the Collector, Sitamarhi respondent no. 4 (Annexure-8)
whereby the claim of the petitioner for appointment on the basis



of compassionate appointment has been rejected.

3. The learned counsel for the petitioner submits that father of the petitioner died in harness on 28.01.2014 while he was discharging his duties as an Assistant Teacher in a government school, accordingly, the petitioner in the year 2017 applied for compassionate appointment on the post of teacher. It is next submitted that application of the petitioner seeking compassionate appointment was not being acted upon, as such, the petitioner moved this Court by filing CWJC No. 5374 of 2019 and the same came to be disposed of by an order dated 26.03.2019 with a direction upon the Collector, Sitamarhi to take a final decision with regard to the appointment of the petitioner on compassionate ground within a period of six weeks. It is submitted that when order dated 26.03.2019 in CWJC No. 5374 of 2019 was not complied by the Collector, Sitamarhi within the time stipulated in the order dated 26.03.2019 for considering the claim of the petitioner for compassionate appointment, the petitioner moved this Court by filing MJC No. 4050 of 2019 with a prayer to initiate a proceeding of contempt against the Collector for deliberate and willful violation of the order dated 26.03.2019 passed in CWJC No. 5374 of 2019. During pendency of MJC No. 4050 of 2019, the claim of the petitioner seeking compassionate appointment came to be rejected, as such, the contempt



application i.e. MJC No. 4050 of 2019 came to be disposed of as not pressed by an order dated 19.01.2024.

4. The learned counsel submits that the order dated 22.01.2020 contained in Memo No. 322 passed by the District Compassionate Appointment Committee of which Collector is the Chairman, rejecting the claim of the petitioner for compassionate appointment is impugned in the instant writ application by way of Annexure-8.

5. The learned counsel appearing on behalf of the State submits that from perusal of the order dated 22.01.2020 passed by the District Compassionate Appointment Committee chaired by the Collector, Sitamarhi, it would manifest that the claim of the petitioner was rejected in view of the Memo No. 583 dated 15.04.2019 which prescribed the eligibility for being appointed as teacher, since petitioner was not fulfilling the eligibility condition, as such, his case was not considered and came to be rejected.

6. The learned counsel appearing on behalf of the petitioner, at this stage, submits that after the claim of the petitioner came to be rejected by the District Compassionate Appointment Committee by order dated 22.01.2020 contained in Memo No. 322, the petitioner again applied for compassionate appointment on the post of orderly before the Sub-Divisional Educational Officer, Majorganj, who recommended the case of the



petitioner for consideration on compassionate appointment to the District Programme Officer (Establishment), Sitamarhi thereafter the District Programme Officer (Establishment) Sitamarhi vide his Letter No. 1174 dated 10.04.2024 forwarded the application of the petitioner seeking compassionate appointment to the District Welfare Officer, Sitamarhi after taking into consideration the fact that the claim of the petitioner was rejected by the District Compassionate Appointment Committee.

7. The learned counsel appearing on behalf of the State submits that from perusal of the order impugned, it would manifest that the same does not suffer from any infirmity. It is submitted that compassionate appointment cannot be demanded as a matter of right, since petitioner had applied for appointment on compassionate ground on the post of teacher despite not fulfilling the eligibility condition required for the said appointment, as such, his claim came to be rejected. It is also submitted that after the claim of the petitioner came to be rejected by an order dated 22.01.2020, thereafter the petitioner became wise and applied before the Sub-Divisional Educational Officer, Majorganj seeking appointment on compassionate ground on the post of Orderly and the said application has been forwarded.

8. It is submitted that from perusal of the Letter dated 10.04.2024 of the District Programme Officer (Establishment),



Sitamarhi, it would manifest that the application of the petitioner submitted in the year 2024 has been forwarded for consideration. The learned counsel next submits that the basic principles for providing compassionate appointment is to tide over the crisis to which the family of the deceased has fallen on account of the death of the bread earner, but in the instant case the petitioner has survived for more than ten years after the death of his father, but still he is chasing a mirage.

9. Considering the submission made by the learned counsel appearing on behalf of the State, the Court finds no merit in the writ application.

10. **Accordingly, the instant writ application stands dismissed.**

(Satyavrat Verma, J)

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