

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17351 of 2022

=====

Sangam Kumar Son of Late Shashi Chandra Tiwari, Resident of Mohalla -
Naya Tola Bhikhanpur, Gumti No. 1, P.S. - Ishak Chak, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate cum Chairman, District Compassionate Committee, Bhagalpur.
4. The District Programme Officer (Establishment), Education Department, Bhagalpur.
5. The Block Education Officer, Jagdishpur, Bhagalpur.
6. The Principal, Primary School, Jagdishpur, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Prabhu Nath Pathak, Advocate
For the State	:	Mr. Madhaw Prasad Yadaw, GP-23

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-10-2024 Heard learned counsels for the parties.

2. This is the third round of litigation preferred by the petitioner before this Hon'ble Court. Petitioner first approached this Court in C.W.J.C. No. 7904 of 2017, which stood dismissed as withdrawn vide order dated 15.12.2017. Thereafter, petitioner filed another writ bearing C.W.J.C. No. 13531 of 2019 which also stood dismissed on merits vide order dated 08.07.2019.

3. The instant writ application has been filed for issuance of a direction upon the respondent-Authorities to consider the application filed by the petitioner on 21.01.2013 for



appointment on compassionate grounds in view of the letter bearing Letter No. 11959 dated 21.08.2019 issued by the Additional Secretary, General and Administrative Department, Government of Bihar, Patna.

4. The Hon'ble Apex Court in the case of *State of J. & K. versus Sajad Ahmed Mir* reported in (2006) 5 SCC 766 has settled the law that compassionate appointment are exceptions to the general rule of appointment and the object of such appointment is to enable the family to get over the sudden financial crisis. It should thus be made immediately and in case it is not claimed within a reasonable time and the family survives and substantial period is over then there is no necessity to part with the normal rule of appointment and to show favour to any one at the cost of several others.

5. It is also settled law that one cannot claim compassionate appointment as a matter of right and the same is bound by the rules, regulations and circulars existing on the date of application.

6. However, in view of the limited nature of prayer, this writ application is disposed of with a direction to the Principal Secretary, Department of Education, Government of Bihar, Patna (Respondent No. 2) to dispose of the application of



the petitioner, which is said to have been filed on 21.01.2013, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

(Prabhat Kumar Singh, J)

shashank/-

U			
---	--	--	--

