

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16008 of 2024

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1. Md. Shammi Son of Late Md. Hayee, resident of Village-Kirmi, P.O.-Katiknar, P.S.-Nawanagar, District-Buxar.
 2. Anil Kumar, son of Late Premchand Kumar, Resident of Village and P.O.-Barahmpur, P.S.-Barahmpur, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Compassionate Appointment Committee Buxar through its District Magistrate its Chairman.
4. The District Magistrate, Buxar.
5. The District Education Officer, Buxar.
6. The District Programme Officer (Establishment), Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Government Advocate, 10

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2024 1. Heard learned counsel for the petitioners and
learned AC to GA 10.

2. Learned counsel for the petitioners submits that fathers of petitioner no. 1 and 2, namely, Md. Hayee and Premchand Kumar were working as Assistant Teacher in the Middle School, Dhenuadih, Block Kesath, District Buxar and Middle School, Bagahi, Block Brahmpur, District Buxar respectively. It is submitted that Md. Hayee died on 26.01.2021 and Premchand Kumar died on 02.05.2021 in harness as would manifest from their death certificates as annexed as Annexure-



P/1 series to the writ application.

3. Learned counsel next submits that petitioner no. 1 submitted his claim for compassionate appointment before the Block Education Officer, Kesath. The Block Education Officer vide his letter no. 292 dated 07.12.2021 (Annexure P/2) forwarded the claim of the petitioner no. 1 to the District Programme Officer (Establishment), Buxar for needful action. Similarly, petitioner no. 2 submitted his claim before the Block Education Officer, Barhampur and the Block Education Officer, Barhampur vide his letter no. 07 dated 10.01.2024 (Annexure P/3) forwarded his claim to the District Education Officer, Barhampur for consideration.

4. It is submitted that the Additional Chief Secretary, Education Department, Government of Bihar had issued notification contained in memo no. 709 dated 21.08.2020 (Annexure P/4) whereby provisions were made for appointment on compassionate ground of the dependents of the deceased employees who died in harness. It is submitted that the petitioners were claiming compassionate appointment on the post of teacher, since they had acquired the certificate of D.El.Ed./B.Ed. and had also passed CTET examination in the year 2022 (petitioner no. 1) and 2019 (petitioner no. 2)



respectively as would manifest from their certificates (Annexure P/5 series).

5. Learned counsel submits that when claim of the petitioners remained pending, the petitioners moved before this Court by filing C.W.J.C. No. 12241 of 2024 and the writ petition was permitted to be withdrawn by an order dated 20.08.2024 (Annexure P/6) with liberty to the petitioners to file afresh as rule/policy of the State Government governing the compassionate appointment was not filed.

6. Learned counsel submits that compassionate appointment is given to tide over the crisis to which the family of the bread earner has fallen on account of the death of the bread winner in harness i.e. compassionate appointment is given to mitigate the hardship but the authorities are sitting tight over the matter without realizing the plight of the family of the bread earner, how they are surviving in absence of financial support.

7. Learned counsel appearing on behalf of the State fairly submits that petitioners have sought a writ of mandamus as their claim for compassionate appointment is not being considered as such the writ application may be disposed of with a direction to the authorities to consider the case of the petitioners in accordance with law.



8. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the respondent-authorities to ensure that the application of the petitioners seeking compassionate appointment is disposed of within a period of four months from the date of receipt/production of a copy of this order in accordance with law.

9. Since the compassionate appointment is given to mitigate the hardship to which the family of the bread winner has fallen on account of the death of the bread earner in harness, as such let a copy of this order be sent to the Additional Chief Secretary, Education Department, Government of Bihar for his perusal and necessary action.

(Satyavrat Verma, J)

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