

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16377 of 2023

=====

Shamsh Tabrez Son of Taj Mohammad Ansari, resident of Village and Post
Office-Marojhiya, Maraujhia, Police Station-Nasriganj, District-Rohtas.

... .. Petitioner/s

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, Government of Bihar, Patna.
5. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
6. The District Magistrate, Rohtas at Sasaram.
7. The District Education Officer, Rohtas at Sasaram.
8. The District Programme Officer (Establishment), Rohtas at Sasaram.
9. The Block Education Officer, Nasriganj, District-Rohtas at Sasaram.
10. The Block Panchayati Raj Officer, Nasriganj, District-Rohtas at Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Jitendra Kumar Roy 1, SC-13

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 16-05-2024

Heard learned counsels for the parties.

2. The petitioner is directed to implead the Deputy
Development Commissioner-cum-Chief Executive Officer, Zila
Parishad, Rohtas, Sasaram as respondent no.11 in course of day.

3. By filing the present writ application, the petitioner has
prayed for the following reliefs:

1) For issuance of an appropriate writ in the



nature of mandamus for commanding the respondent Authorities concerned to consider and appoint the petitioner on compassionate ground, as after death of his father, namely, Md. Taj Mohammad Ansari, who was a regular Assistant Teacher in Graduate Trained Pay Scale (Science) in Government Upgraded Middle School Sukhara Dihri, Anchal Nasriganj, District Rohtas at Sasaram, there is no one to look after the family economically and as per the policy decision of the State Government for betterment of the family, one of the dependants of the deceased is being provided compassionate appointment and since the petitioner has applied for his compassionate appointment well within time, he is entitled to be selected/appointed on the post of teacher.

II) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent Authorities concerned to consider and appoint the petitioner on compassionate ground on the post of teacher as the petitioner has requisite qualification to be selected/appointed on the post of teacher as he is having Diploma in Elementary Education (Face to Face) (teacher training) from Bihar School Examination Board, Bihar, Patna and he has also passed the Central Eligibility Test (CTET) from Central Board of Secondary Education, Delhi and after the death of his father, the petitioner has applied for his compassionate appointment in the duly prescribed format, which has been duly recommended and forwarded by the Block Education Officer, Nasriganj, Rohtas on 21.05.2022 but till date, the same has not been considered by the respondent Authorities concerned.

III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent Authorities concerned to select/appoint the petitioner on



compassionate ground as several similarly situated dependants have already been appointed on compassionate ground whereas the petitioner has been deprived till date for the reasons best known to the respondent authorities concerned.

IV) For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the father of the petitioner, namely, Md. Taj Mohammad Ansari was working as a regular Assistant Teacher in Graduate Trained Pay Scale (Science), in Government Upgraded Middle School Sukhara Dihri, Anchal Nasriganj, Rohtas, Sasaram, who died in harness on 04.10.2020. The petitioner, being eligible to be considered for his appointment on compassionate ground, made an application in proper format along with all relevant documents, which has been duly recommended and forwarded by the Block Education Officer, Nasriganj, Rohtas on 21.05.2022. Learned counsel for the petitioner further submits that the petitioner has requisite qualification i.e. Diploma in Elementary Education (Face to Face) (teachers training) from Bihar School Examination Board and the CTET and he is entitled to be selected/appointed on the post of Teacher, but even after repeated request and several representations, the genuine grievance of the petitioner for his selection/appointment on the



post of Teacher on compassionate ground has not been considered, which is not just and proper.

4. A counter affidavit has been filed on behalf of the respondent no.8 in which it is stated that the petitioner filed representation on 06.05.2023 before the District Programme Officer (Establishment), Rohtas for appointment on compassionate ground on the post of Teacher. The District Programme Officer (Establishment), Rohtas considered the entire facts and directed the petitioner to file consent letter in view of Letter No. 978 dated 09.07.2021 issued by the Director, Secondary Education, Bihar for appointment on the post of School Assistant/School Parichari vide letter No. L-1369 dated 04.04.2024. In view of consent letter, the District Education Officer issued letter no. H-411 dated 04.05.2024 to the employment unit, that is, the District Development Officer-cum-Chief Executive Officer, Zila Parishad, Sasaram for further proceeding, but till date nothing was done nor any information in this regard has been given to him.

5. Considering the facts and circumstances of the case, this writ petition is disposed of directing the respondent no.11, the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Rohtas, Sasaram to consider the case of



the petitioner and pass a reasoned and speaking order in accordance with law within two months from the date of receipt/production of a copy of this order.

6. It is made clear that respondent no.11 shall be solely liable for non-compliance of this order within the stipulated period.

7. With the aforesaid directions, this application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2024
Transmission Date	NA

