

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.982 of 2023

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Kundan Kumar Son of Late Avinash Kumar, Resident of Village- Naromurar,
P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Addl. Chief Secretalry, Education Department, Bihar, Patna.
4. The District Programme Officer, Education Department, Bihar, Patna.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sheikhpura.
6. The District Education Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.
For the Respondent/s : Mr.Smt. Binita Singh, S.C.-28

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 27-06-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

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

*I) For issuance of direction
upon the respondent authorities to
appoint the petitioner on the
ground of compassionate
appointment in place of his father,
who died during service period as
an employed assistant teacher in
High School, Nimi on 24.08.2018.*



II) For issuance of direction upon the respondent authorities especially respondent no.4 to dispose the representation dated 01.03.2021 (annexure-4) filed by the petitioner, for his appointment on the ground of compassionate appointment in place of his father, which is pending before him.

III) For issuance of direction upon the respondent authorities to appoint the petitioner on compassionate ground and pay regular honorarium to the petitioner for maintaining the dependents of the deceased employee.

IV) For any other relief/reliefs for which the petitioner is entitled in eye of law.

3. The brief fact of the petitioner's case in the writ petition is that the father of the petitioner, namely, Avinash Kumar was employed as a Teacher in Nimi High School, Sheikhpura on contract/honorarium basis, who died on 24.08.2018 during his service period, leaving behind his wife and four children.

4. Learned counsel for the petitioner submits that the petitioner is an unemployed dependent of the deceased



employee and having requisite qualification for employment on compassionate ground, he submitted an application vide letter dated 01.03.2021 along with his educational certificates and other required documents before the District Education Officer, Sheikhpura for his employment on the compassionate ground. On the basis of the application made by the petitioner for his employment, the District Education Officer, Sheikhpura submitted application of the petitioner along with the required documents before the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sheikhpura vide its Letter No. 725 dated 30.06.2021 for necessary action. The petitioner has also given representation before the Additional Chief Secretary, Education Department, Bihar, Patna dated 02.12.2022 and 27.07.2021 with regard to immediate disposal, but no action has been taken by the respondent Authorities.

5. A counter-affidavit on behalf of the respondent no.6 has been filed stating therein that the total vacant post of Assistant is 14 in Sheikhpura district and as per the existing Rules (Annexure-A of the counter affidavit), 50% of the total vacant post i.e. 7 (seven) has been *niyojit*. The name of the petitioner is mentioned at S.I. No.1 in the waiting list.

6. Considering the object of the compassionate



appointment as well as the statement made in the counter affidavit filed on behalf of respondent no.6, I direct the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sheikhpura (respondent no.5) to consider the case of the petitioner for his appointment on compassionate ground and pass a reasoned and speaking order within a period of eight weeks from the receipt/production of a copy of this order.

7. With the aforesaid, the present writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2024
Transmission Date	NA

