

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13210 of 2021

=====

Amit Kumar Son of Late Satyendra Narayan Singh Resident of Village-
Gadua, P.S.-Chewara, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department
Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate Sheikhpura.
4. The District Education Officer, Sheikhpura
5. The District Programme Officer, (Establishment) Sheikhpura.
6. The Block Education Officer, Chewara, District-Sheikhpura.
7. The Head Master of Middle School Gadua, Block-Chewara, District-
Sheikhpura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate.
For the Respondent/s : Mr.Madanjeet Kumar, GP-20.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 24-03-2025 Heard Mr. Md. Anisur Rahman, learned counsel

appearing on behalf of the petitioner and Mr. Madanjeet Kumar,

learned GP-20 for the State.

2. Learned counsel appearing on behalf of the

petitioner submitted that the mother of the petitioner had died in

harness on 09.08.2019 while she was working as government

teacher in Middle School, Barari, Block – Chewara, District –

Sheikhpura. In that view of the matter, the petitioner who was



appointed in special case as per the regulation of the State Government applicable for the appointment on compassionate ground would come into effect.

3. A counter affidavit has been filed denying the fact that the appointment of the petitioner and his claim cannot be sustained in light of the fact that the petitioner has admitted that vide Memo No. 520 dated 30.06.2020, he was appointed on compassionate ground and his date of joining is 01.07.2020, which is against the directives contained in letter No. 601 dated 10.06.2020 of the District Education Officer, Sheikhpura who had directed that the appointment of the petitioner is required to be considered in light of the Memo No. 1677 dated 17.12.2019 in respect of compassionate appointment. On this ground, the case of the petitioner has also been rejected for having not availed the appropriate remedy in accordance with law.

4. The law is well settled in respect of appointment on compassionate ground. The Apex Court relying on the ratio of *Umesh Kumar Nagpal v. State of Haryana and Others* reported in (1994) 4 SCC 138, further in Paragraph No. 7.2 in the case of *The State of West Bengal Vs. Debabrata Tiwari & Ors. Etc.* passed in *Civil Appeal nos. 8842-8855 of 2022*, has laid down following principles of compassionate appointment,



which are reproduced hereinafter:

“7.2. On consideration of the aforesaid decisions of this Court, the following principles emerge:

i. That a provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives, i.e., to enable the family of the deceased to get over the sudden financial crisis.

ii. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.

iii. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.

iv. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.

v. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source.

5. Considering the nature of relief as sought for in the present writ petition, the petitioner has remedy of ‘appeal’ before the District Appellate Authority. In case the petitioner files any application for condonation of delay, the same may be condoned in light of the fact that the petitioner under mis-advice has filed the present writ petition before this Court and the time taken will not come in a way in so far as the maintainability of



the appeal is concerned.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U			
---	--	--	--

