

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17135 of 2021**

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Sarita Kumari Wife of Late Parmanand Roy, Resident of Village Hasanpur  
Surat PO and PS-Patori, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Addl. Chief Secretary, Education Department, Govt. of Bihar Patna.
3. The Director, Higher Education Government of Bihar, Patna
4. The District Magistrate, Vaishali at Hajipur.
5. The District Education Officer, Vaishali at Hajipur.
6. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
8. The Governing Body Cum Managing Committee through its Secretary Birchand Patel Samarak College, Desari, Vaishali at Hajipur.
9. The Principal, Birchand Patel Smarak College, Desari, Vaishali at Hajipur

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Bajarangi Lal, Advocate.    |
| For the State        | : | Mr.Madhaw Pd. Yadaw (Gp23)     |
| For the respondent   | : | Mr. Indrajesh Kumar, Advocate. |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      26-06-2025                      Heard Mr. Bajrangi Lal, learned counsel appearing on behalf of the petitioner; Mr. Madhaw Prasad Yadaw, learned GP-23 for the State and Mr. Indrajesh Kumar, learned counsel for the respondent.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

*“That this application is being filed for a*



*direction upon the respondents especially to the university authorities to grant Compassionate appointment to the petitioner whose husband namely Parmanand Roy, who was working as lecturer in the department of political science on 1<sup>st</sup> post of Birchand Patel Smarak College, Desari, Vaishali, died in harness during service period on 31.07.2020. After death of her husband petitioner filed application for appointment on compassionate ground in prescribed format before the college but till date it has neither been considered nor any decision in this regard has been communicated to the petitioner. Further for grant of any relief / reliefs, order/orders, direction/directions to which petitioner is entitled in the facts and circumstances of this case.”*

3. The husband of the petitioner late Parmanand Roy was appointed as Lecturer in the Department of Political Science in Birchand Patel Smarak College, Desari, Vaishali under BRA Bihar University, Muzaffarpur. All of a sudden, the husband of the petitioner died in harness on 31.07.2020, leaving behind one son, three daughters and his wife. The petitioner (wife of late Parmanand Roy) applied for compassionate appointment on Class-III post on 01.02.2021 before the respondent no.9, which was forwarded to the respondent no.7. Thereafter, the petitioner made several communications to the concerned authorities, but till date no action has been taken.

4. Learned counsel appearing on behalf of the petitioner submitted that the husband of the petitioner late Parmanand Roy had died in harness on 31.07.2020 while he was working as Lecturer in BPS College, Desari, Vaishali leaving behind one son, three daughters and wife. Thereafter, the



petitioner had filled up an application along with the necessary papers and affidavits sworn by the family members which was forwarded to the Registrar of the University, but no action has been taken till date. Learned counsel further submitted that the logic behind the compassionate appointment is to provide immediate help to the family of the deceased employee with the pious wishes that the family will mitigate the hardship by virtue of the sudden death of bread earner and the petitioner had made several requests to the concerned authority with the high expectation that the issue may be examined in detail and the claim may be adjudicated finally within a reasonable time, however, even after lapse of long time, the claim has not been resolved till date, rather it is kept pending till date intentionally to frustrate the right accrued to the petitioner.

5. *Per contra*, Learned counsel appearing on behalf of the State submitted that in light of the representation of the petitioner dated 03.06.2021, the department vide Letter No. 1291 dated 05.11.2021 had requested the Registrar of the University to submit a report with respect to appointment of the petitioner on compassionate ground, but no action has been taken.

6. Heard the parties.



7. 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.*

8. In the case of ***Jagdish Prasad v. State of Bihar*** reported in ***(1996) 1 SCC 301***, Hon'ble Apex Court, while considering the object of compassionate appointment held that the object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family.

9. In case of ***State of U.P. v. Paras Nath***, reported in ***(1998) 2 SCC 412***, the Hon'ble Apex Court held that the purpose of providing employment to a dependent of a Government servant dying in harness in preference to anybody else, is to mitigate the hardship caused to the family of the employee on account of his unexpected death while still in service. It was further observed that none of these consideration can operate while the application is made after a long period of time.

10. Based on the above principles and the pleadings made in the writ petition, the Registrar of the B. R. A. Bihar University, Muzaffarpur is directed to take appropriate action in respect of the petitioner and consider the case of the petitioner,



who had immediately applied for Compassionate appointment by assessing the income of the family on the date of the death of the deceased employee, in accordance with the law.

11. The writ petition stands disposed of.

**(Purnendu Singh, J)**

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