

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17473 of 2023

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Roshan Kumar Son of Shri Vinod Choudhary Resident of Village-Hemaja
Devpal Police Station-Sirdala, Post Office-Laundh, Laun, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-Cum-Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary-Cum-the Principal Secretary, Personal and Administrative Reforms Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Bihar, Patna.
5. The Director, Primary Educaion, Education Department, Bihar, Patna.
6. The District Magistrate, Nawada.
7. The Zila Parishad Compassionate Appointment Committee through its Chairman, Nawada.
8. The District Panchayati Raj Officer-Cum-the Additional Chief Executive Officer, Zila Parishad, Nawada.
9. The Additional District Magistrate, Nawada.
10. The District Education Officer, Nawada.
11. The District Programme Officer (Establishment), Education, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the Respondent/s	:	Mr. S.K. Mandal (Sc 3)
		Mr. Arun Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-01-2025 Heard learned counsels for the parties.

2. The present writ application has been filed for directing the respondent authorities concerned to select/appoint the petitioner on compassionate ground as a school assistant as per policy decision of the State Government by which the dependents of the deceased employee are entitled to be



selected/appointed as school assistant and as the petitioner after death of his mother, namely, Late Kunti Devi, who was an employed teacher in Government Middle School, Laund, Anchal- Sirdala, District- Nawada. The petitioner had applied for his appointment on compassionate grounds for the post of School Assistant having the requisite qualification of graduation and diploma in Computer Application for that he had also given his acceptance letter but he has been offered the inferior post of School Attendant, which he has joined under compelled situation on 28.06.2023.

3. Learned counsel for the petitioner submits that the mother of the petitioner died in harness on 14.05.2018 . Petitioner, being his dependent made an application for his compassionate appointment on the post of School Assistant. The application of the petitioner was forwarded by the Block Education Officer, Sirdala, Nawada to the District Programme Officer (Establishment), Nawada vide his letter no.45 dated 25.01.2019, by which he had recommended the petitioner for compassionate appointment.

4. It is further submitted that as per the welfare scheme of the Government, petitioner is entitled to be appointed on compassionate ground of the post of School Assistant but till



date, the authorities concerned ignored the matter for five long years and ultimately offered the inferior post of School Attendant to the petitioner even though he was having all the requisite qualification. It is further submitted that two persons have already been appointed on compassionate ground as School Attendants but despite having requisite qualifications i.e. Matric, Intermediate, D.EL.ED, CTET, DCA and Tally, petitioner has been kept deprived till date. It is further submitted that one post of School Assistant is still vacant in the district, so petitioner may kindly be considered for the appointment on compassionate ground.

5. Having heard both the sides, I direct the petitioner to file a representation before the respondent no.10 along with a copy of this order and other documents in support of his claim within four weeks and the respondent no.10, after affording an opportunity of hearing to the petitioner, shall dispose of his representation by way of passing a speaking and reasoned order within a period of one month, thereafter. The respondent no.10 shall consider this point that two persons with intermediate qualification have been appointed on the post of School Assistant on compassionate ground.

6. It is made clear that the respondent no.10 shall be held



responsible for non-compliance of this order within the stipulated period.

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

(Anjani Kumar Sharan, J)

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