

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19313 of 2024

Minakshi Kumari D/o Late Birendra Pratap Singh, R/o Mohalla-Charitravan,
P.O.-Gola Bazar, P.S.- Modal Thana, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar.
2. The Additional Chief Secretary, Education Department, Government of Bihar.
3. The Director Secondary Education, Bihar.
4. The District Magistrate, Buxar.
5. The District Magistrate cum Chairman District Compassionate Committee, Buxar.
6. The District Education Officer, Buxar.
7. The District Programme Officer (Establishment), Buxar.
8. The Headmaster, Buxar High School, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Adv.
	:	Mr. Gyan Shankar, Adv.
	:	Mr. Ankita Roy, Adv.
For the Respondent/s	:	Mr. Madanjeet Kumar, Gp20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-05-2025

1. Heard the parties.

2. The petitioner has filed the present writ application for a direction to the Respondent/Authority, particularly respondent no. 6, to consider the case of the petitioner for appointment on compassionate ground. The mother of the petitioner, Late Yashodha Devi, died in harness on 30.04.2021, while she was posted as peon in Buxar High School, Buxar. The petitioner has three siblings and all of them are married. The petitioner is the only unmarried dependent daughter of the deceased employee. The father of the petitioner pre-deceased



her mother. The sole brother of the petitioner, namely, Late Kamakhya Narayan Singh, died in 2021 itself, before the death of the petitioner's mother.

3. Learned counsel for the petitioner submits that the petitioner applied for compassionate appointment as per law, but her claim for compassionate appointment is not being considered on the ground that widow (bhabhi) of petitioner's brother is also claiming her appointment on compassionate ground as such, the petitioner should bring the Succession Certificate.

4. Relying on the Circular having Memo. No. 13921 dated 05.10.1991, learned counsel submits that in the aforesaid Circular, the order of preference in which the compassionate appointment shall be given to the heirs of the deceased employee is clearly mentioned and as per Clause 1 (a), (b), (c), (d) the unmarried daughter has been given preference above the widow daughter-in-law of the deceased employee. As such, there is no conflicting claim between the petitioner who is an unmarried daughter and the widow daughter-in-law of the deceased employee.

5. Learned counsel next submits that even daughter-in-law of deceased employee has remarried after the death of



petitioner's brother, which would be evident from Annexure P/9 which is photograph of marriage of widow daughter-in-law.

6. On the other hand, learned counsel for the State submits that the Director, Secondary Education, has issued a Circular, dated 23.12.2024, not to make any kind of appointment on the post of School Assistant/Peon till further order.

7. I have heard learned counsel for the parties and have gone through the materials available on record. The facts are not disputed that the petitioner is the unmarried daughter of the deceased employee. The respondent/authority is insisting upon the petitioner to bring succession certificate on the ground that widow daughter-in-law of the deceased employee has also raised her claim for appointment. The Circular on compassionate appointment having Memo No. 13921 dated 05.10.1991 provides preference in compassionate appointment to the dependent of the deceased employee. The District Program Officer vide letter, dated 22.01.2025, has directed the petitioner to provide succession certificate. The claim of the petitioner for compassionate appointment is pending since 2021. Since order of preference in the matter of compassionate appointment is already there in Circular dated 05.10.1991, as



such, directing the petitioner to produce Succession Certificate is unwarranted.

8. Accordingly, the present writ application is disposed with direction to the District Education Officer/Respondent No. 6 to consider the claim of compassionate appointment of the petitioner in the light of the Circular having Memo No. 13921, dated 05.10.1991, after giving opportunity of hearing to Nibha Kumari who is also claiming her appointment on compassionate ground being the widow daughter-in-law of the deceased without insisting upon the letter, dated 23.12.2024, (Annexure R/C) issued by the Director, Secondary Education, inasmuch as that the same does not concern with compassionate appointment.

9. The decision must be taken within a period of 3 months from the date of receipt/production of a copy of this Order.

10. Accordingly, the present writ application is disposed with the aforesaid direction and observation.

(Anil Kumar Sinha, J)

HarshPandey/-

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