

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19501 of 2024

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Mukesh Kumar S/o late Mahindra Ram resident of village-Ginjas, P.O.-
Jaitpur, P.S. - Saraiya, District - Muzaffarpur PIN - 8 4 3 123, Adhar No.-7373
5111 8989

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal secretary, Education Department,
Government of Bihar, Patna
2. District Magistrate, Muzaffarpur
3. District Education Officer, Muzaffarpur
4. Block Education Officer-Cum-secretary, Prakhand Niyojan Samiti, Saraiya,
Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Respondent/s : Mr. U.S.S. Singh, GP-19

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2025 1. Heard learned counsel for the petitioner and
learned AC to GP-19 for the State.

2. The learned counsel appearing on behalf of the
petitioner submits that father of the petitioner was appointed on
the post of Assistant Teacher in *Rajkiya Madhya Vidyalaya*,
Berua, District- Muzaffarpur on 08.07.1980. It is next submitted
that his father during the course of service died on 12.07.2008.
It is next submitted that at the time of the death of the father of
the petitioner, the relevant circular which was in vogue for
seeking compassionate appointment prescribed a period of five
years for filing an application seeking compassionate



appointment. It is submitted that petitioner on 04.06.2012 i.e. well within five years filed an application seeking compassionate appointment, as would manifest from Annexure-P/2 to the writ application. It is next submitted that the application of the petitioner seeking compassionate appointment dated 04.06.2012 was not acted upon, but then petitioner continuously was approaching the authorities to appoint him on compassionate basis.

3. It is submitted by the learned counsel appearing on behalf of the petitioner that petitioner met the District Education Officer, Muzaffarpur on 16.08.2021 in connection with his application seeking compassionate appointment dated 04.06.2012. It is submitted that petitioner received Letter No. 1186 dated 21.04.2022 issued by the District Education Officer, Muzaffarpur wherein it was recorded that petitioner earlier vide Letter dated 17.08.2021 was asked to submit documents for considering his case for compassionate appointment, but the documents till date have not been submitted, as such, petitioner was directed to submit the wanting documents by 26.04.2022. It is submitted that petitioner, in compliance of the Letter dated 21.04.2022, submitted all his documents seeking compassionate appointment on 25.04.2022, as would manifest from Annexure-



P/4 to the writ application.

4. It is submitted that despite waiting for more than 12 years from the first date of application seeking compassionate appointment and more than three years from the second application, the case of the petitioner till date has not been considered.

5. The learned counsel appearing on behalf of the State submits that a counter affidavit has been filed on behalf of the respondent no. 3 wherein at Para-6 it has been pleaded that petitioner earlier had submitted his application seeking compassionate appointment before the Block Education Officer, Saraiya, who was not the authority competent to consider his case for compassionate appointment rather the authority competent was the Block Development Officer, Saraiya. It is next submitted that the second application seeking compassionate appointment was submitted in the year 2022 which does not warrant merit for the reason that petitioner is seeking compassionate appointment as a teacher, it is submitted that when his father died, the petitioner had not acquired the qualification for being appointed as teacher, it was only five years after the death of the father of the petitioner that he acquired the said qualification and thereafter filed the second



application seeking compassionate appointment as teacher, as such, it is submitted that the case of the petitioner for compassionate appointment cannot be considered for the post of teacher as he was not having the requisite qualification when his father had died, on which the learned counsel appearing on behalf of the petitioner submits that application of the petitioner is still pending consideration before the District Education Officer, Muzaffarpur, who now is the authority competent to consider his case.

6. The learned counsel for the petitioner, thus, submits that the writ application be disposed of with a direction to the District Education Officer, Muzaffarpur to consider the case of the petitioner seeking compassionate appointment within a time frame.

7. The learned counsel appearing on behalf of the State does not dispute the said submission of the learned counsel appearing on behalf of the petitioner.

8. Considering the submissions made by the learned counsel for the parties, **the writ application is disposed of** with a direction to the District Education Officer, Muzaffarpur to consider the case of the petitioner seeking compassionate appointment in accordance with law within a period of four



months from the date of receipt/production of a copy of this
order.

(Satyavrat Verma, J)

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