

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.183 of 2024

Raman Kumar son of Late Surendra Mahto, resident of Village-Basudeopur,
Post Office and Police Station-Kajra, District -Lakhisarai (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer (Establishment), Education Department, Lakhisarai.
6. The Block Development Officer, Suryagarha.
7. The Block Panchayati Raj Officer cum Executive Officer, Panchayat Sammittee, Suryagarha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Respondent/s : Mr. Standing Counsel (5)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 26-06-2025 1. The present writ application has been filed for directing the respondent-authorities to appoint the petitioner on compassionate ground as father of the petitioner died in harness while working on the post of Assistant Teacher in Upgraded Middle School, Ghosaith, on 04.11.2017. The petitioner's father died leaving behind his widow, two sons and one daughter. The petitioner is elder son and one of the dependent of the deceased



employee. After the death of the petitioner's father, he submitted his application for compassionate appointment in prescribed form on 06.12.2018 before the respondent no. 5-District Programme Officer (Establishment), Education Department, Lakhisarai.

2. Learned counsel for the petitioner submits that the respondent no. 5-District Programme Officer (Establishment), Education Department, Lakhisarai, forwarded the application of the petitioner to respondent nos. 6 and 7 (Block Development Officer, Suragarha and Block Panchayati Raj Officer -cum- Executive Officer, Panchayat Sammittee, Suryagarha, respectively). Despite several letters from respondent no. 5 to the respondent nos. 6 and 7 to proceed and consider the case of the petitioner for appointment on compassionate ground, the same has not been considered and the matter regarding petitioner's appointment on compassionate ground is still pending.

3. Learned counsel for the State submits that in view of the department resolution having Memo No. 1128, dated 21.08.2020, and Memo No. 888, dated 27.08.2021, respectively, the respondent no. 5 forwarded the application of the petitioner for appointment on compassionate basis to the respondent no. 6



and 7. He further submits that at the time of filing counter affidavit, dated 25.04.2025, there was provision for appointment for the post of School Assistant or Parichari, but subsequently, vide Memo No. 2942, dated 23.12.2024, Director Secondary Education, Bihar, issued instructions to all the Head of Civic Bodies, all D.D.C. -cum- Chief Executive Officer, Zila Parishad and all District Education Officers of Bihar, stating therein, that appointments made under the resolution vide Memo No. 1128, dated 21.08.2020, for recruitment of School Assistant or Parichari will be stayed till further orders.

4. I have heard learned counsel for the parties and have gone through the materials available on records, including the resolution having Memo No. 1128, dated 21.08.2020.

5. It is admitted position that the father of the petitioner died in the year 2017. The petitioner applied for compassionate appointment in the year 2018. At the time of submission of application by the petitioner, the rules governing compassionate appointment was in force and have since been reiterated in the resolution bearing Memo No. 1128, dated 21.08.2020, and Memo No. 888, dated 27.08.2021, which clearly provides for appointment on compassionate ground.

6. The stay letter, dated 23.12.2024, issued by the



Director, Secondary Education, Bihar, deals with appointment to be made directly on the post of Peon/Clerk. The claim of the petitioner for compassionate appointment was pending prior to the Director's letter, dated 23.12.2024.

7. The dependent of the deceased employee is eligible for appointment in terms of the rules as it stood on the date of consideration of his application. The resolution, dated 21.08.2020 and 27.08.2021, were in force at the time of consideration of the claim of the petitioner for compassionate appointment. Consequently, the stay of appointment subsequently by the Director, Secondary Education, shall not affect the claim of the petitioner for compassionate appointment which was pending prior to the stay letter, dated 23.12.2024, issued by the Director, Secondary Education, Bihar.

8. In view of the aforesaid discussions, the respondent nos. 6 and 7 are directed to consider the claim of the petitioner for compassionate appointment in terms of the resolution, dated 21.08.2020 and 27.08.2021, within a period of three months from the date of receipt/production of the copy of this order.

9. With the aforesaid observations and directions, this



writ application is disposed.

(Anil Kumar Sinha, J)

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