

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.536 of 2025

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Akshay Kumar son of Late Ajay Prasad Yadav, Resident of Village-
Nehalpatti, Ward No. 7, P.O.-Manikpur, P.S.-Madhepura, District-Madhepura,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate cum Chairman, District Level Compassionate Appointment Committee, Madhepura, District-Madhepura.
5. The District Education Officer, Madhepura.
6. The District Programme Officer (Establishment), Madhepura.
7. The Block Education Officer, Block-Madhepura, District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate Mr. Abhishek Mishra, Advocate Mr. Alok Abhinav, Advocate
For the Respondent/s	:	Government Advocate (07)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-01-2025 Heard Mr. Nityanand Mishra, along with Mr. Abhishek Mishra and Mr. Alok Abhinav, learned counsels appearing on behalf of the petitioner and learned Government Advocate (07) appearing on behalf of the State.

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

“(i) For issuance of a writ/writs,



order/orders, direction/directions in the nature of mandamus directing/commanding the respondents concerned to appoint the petitioner on compassionate ground on the post of 'School Teacher', for which the petitioner is eligible and having requisite qualification i.e., D.El. Ed, & CTET certificate.

(ii) For further directing/commending the respondents concerned to grant other consequential benefits for which the petitioner is entitled to in accordance with law.

(iii) For further directing/commending the respondents concerned to take action in accordance with law against the erring officials/respondents due to their inaction/slackness and negligence attitude the petitioner along with aggrieved family of the deceased employee have suffered a lot, financially, mentally and physically also.

(iv) For any other relief/reliefs, for which the petitioners are entitled to.”

3. Learned counsel appearing on behalf of the petitioner informs that the father of the petitioner, who was posted as Assistant Teacher, died in harness on 20.12.2020. The petitioner applied for compassionate appointment on 18.08.2021 for considering him to be appointed on Class-III/Class-IV post. The petitioner has also brought on record the original letter of appointment contained in Memo No.436-316 dated 28.08.1994. It is the case of the petitioner that the petitioner was aggrieved by the inaction of the District Education Officer (DEO), before whom he had filed his application for considering his case for compassionate appointment by placing it before the District Compassionate Committee for its recommendation, inspite of the fact that petitioner possess all the requisite qualification for



being appointed. The case of the petitioner is being delayed due to inaction on the part of the DEO and the District Programme Officer (Establishment).

4. Considering the inaction on part of the District Education Officer, District Programme Officer (Establishment), as well as, the Block Education Officer, the District Magistrate is directed to call for service particulars of the father of the petitioner, namely Late Ajay Prasad Yadav, who had died in harness on 20.12.2020, alongwith the application of the petitioner and proceed to take action to consider his case to be appointed on compassionate ground and dispose of the case of the petitioner, expeditiously, so as the family of the deceased, whose son has applied, must not be put to suffer financial difficulties, otherwise, any further delay will only frustrate the structure of compassionate appointment, as laid down by the Apex Court in the case of ***Umesh Kumar Nagpal v. State of Haryana and Others reported in (1994) 4 SCC 138 and in case of State of West Bengal Vs. Debabrata Tiwari & Ors. Etc. passed in Civil Appeal No.8842-8855 of 2022.***

5. The relevant documents, relating to the father of the petitioner, must be produced by the District Programme Officer (Establishment) and District Education Officer before the



District Magistrate, well within a period of two weeks from the date of communication of this order. In case of failure, on the part of the officers. The District Magistrate is required to take appropriate action against them for causing delay intentionally.

6. Accordingly, the present writ application stands disposed of.

(Purnendu Singh, J.)

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