

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2384 of 2026

Khushboo Kumari D/o- Late Virandra Kumar Roy @ Virendar Kumar Rao,
Resident of Jagarnathpur, Post- Jagarnathpur, Police Station- Gopalpur,
District- West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director Secondary Education, Patna, Bihar.
3. District Compassionate Appointment Committee, West Champaran, Bihar.
4. The District Magistrate-cum-Chairman, District Compassionate Appointment Committee West Champaran, Bihar.
5. District Education Officer, Bettiah, West Champaran, Bihar.
6. District Programme Officer Establishment, Department of Education, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rishabh Mishra
For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The instant writ application has been filed for the

following reliefs:-

*(i) To consider the claim of the petitioner
(daughter of second wife) for compassionate
appointment as her father namely, Virendra Kumar
Rao has died in harness on 22.06.2015.*

*(ii) To direct the respondents to
reconsider the application for compassionate
appointment of the petitioner as per law laid down
in Letters Patent Appeal No.1305 of 2013 and
similar cases.*



(iii) Any other relief(s) to which the petitioner is found entitled to.

3. Learned counsel for the petitioner submits that, contrary to the ratio laid down by the Hon'ble Full Bench in LPA No. 1305 of 2013, the claim of the petitioner, being the legitimate child of the deceased employee, has been rejected by the order contained in Annexure-P/4. The reasons assigned do not take into consideration the ratio laid down by the Hon'ble Full Bench in the aforesaid case, which has been referred to by the learned counsel for the petitioner.

4. It is further submitted that the petitioner filed an application for compassionate appointment after obtaining the consent of the first wife of the deceased employee, and she has undertaken to take care of her.

5. On the other hand, learned counsel for the State, referring to the impugned order, submits that the Compassionate Appointment Committee rejected the petitioner's claim on the ground that the consent of the first wife of the deceased employee was not found enclosed with the application.

6. Considering that these are legal formalities intended to facilitate the authorities in carrying out the procedure for appointment on compassionate grounds, which



can always be complied with by securing the presence of all concerned, this Court is of the view that the grounds stipulated in the order of rejection reflect an unduly callous approach in such sensitive matters. Therefore, in light of the ratio laid down by the Hon'ble Full Bench, this Court finds it appropriate to set aside the rejection order passed by the District Education Officer, Bettiah, West Champaran in respect of the petitioner's claim for compassionate appointment. The authorities are at liberty to obtain all requisite documents by securing the presence of all concerned, if so required, and to pass appropriate orders strictly in consonance with the ratio laid down by the Hon'ble Full Bench in LPA No. 1305 of 2013 on the issue of appointment, within a period of eight weeks from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, this writ application stands allowed.

(Ajit Kumar, J)

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