

(2021) 04 PAT CK 0110

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 10494 Of 2020

Neha Kumari

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: April 17, 2021

Hon'ble Judges: Vikash Jain, J

Bench: Single Bench

Advocate: Rajesh Kumar, Mritunjay Kumar

Final Decision: Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for â€œissuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to provide compassionate appointment to the petitioner after the death of her father, namely, Late Varun Kumar Mishra due to oral cancer on 21.01.2015 and at that time the deceased employee was posted as Assistant Professor in English subject at MIT, Muzaffarpur, the petitioner being the divorcee daughter of the deceased employee and solely dependent upon her father and after the death of her father, she applied for compassionate

appointment on 30.07.2015 with all required educational certificates and affidavit by her widowed mother, but still compassionate appointment has not been provided to her.â€

3. Learned counsel for the petitioner submits that upon death of her father Late Varun Kumar Mishra who was posted as an Assistant Professor in English at M.I.T. Muzaffarpur, the petitioner as a divorced daughter of the deceased became entitled for consideration for compassionate appointment. She accordingly filed an application for the purpose on 30.07.2015 (Annexure-4), but she has yet to be appointed. She claims entitlement for the appointment on the basis of the General Administration Departmentâ€™s Circular dated 05.05.2010 (Annexure-3).

4. Learned counsel for the respondent-State appears and has been heard. It is submitted that on facts the petitioner is not entitled for compassionate appointment as she does not fulfil the conditions of the said circular.

5. Having heard the parties and on consideration of materials on record, this Court is of the view that the ends of justice will be met by granting liberty to the petitioner to approach the Principal, Muzaffarpur Institute of Technology, Muzaffarpur (Respondent No. 8) with an appropriate petition for redressal of her grievances. If any such petition is filed within a period of two weeks from today, the same shall be considered and disposed of in accordance with law after grant of an opportunity of hearing to the petitioner, expeditiously and in any event within a period of three months thereafter. To enable disposal, the petitioner shall furnish her mobile number and email ID to the respondent no. 8 in her petition if so advised.

6. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and the petitioner shall be at liberty to request for hearing through video conference.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.