

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1144 of 2010

IN

Civil Writ Jurisdiction Case No. 659 of 2010

- =====
1. The State Of Bihar Through Principal Secretary Human Resources Deptt., Govt. Of Bihar, Patna
 2. The Director, Primary Education, Govt. Of Bihar, Patna
 3. The District Magistrate, Samastipur
 4. The Block Development Officer, Samastipur
 5. The District Suptt. Of Education Samastipur
 6. The Block Education Extension Officer Pusa, Samastipur

.... Appellant/s

Versus

1. Sanjay Kumar S/O Late Shiv Lal Hazara R/O Vill.- Dharampur Dakhili, P.S.- Tajpur, Distt.- Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Rasul Haque, S.C.4

For the Respondent/s : Mr. Sanjay Prakash Verma

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 09-11-2015

The State is in appeal against the order of the learned Single Judge of this Court by which the learned Single Judge has held that a person, seeking compassionate appointment upon his guardian dying in harness from Government service, would be entitled to compassionate appointment in Government service, and not a Panchayat Teacher under the Gram Panchayat.

2. Having heard learned counsel for the State and learned counsel for the writ petitioner-respondent, we are of the view

that this appeal is identically covered by the facts emerging in L.P.A. No. 1543 of 2010, which was also preferred by the State under similar circumstances, which has been dismissed by the Division Bench of this Court on 28-4-2015 in identical circumstances, noticing the judgment of the Apex Court, being Vishwanath Pandey Vs. the State of Bihar and others, since reported in 2013(3) P.L.J.R.305(S.C.).

3. In that view of the matter, we have no option but to dismiss this appeal and affirm the order of the learned Single Judge, which, we do accordingly.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Nilu Agrawal, J)

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