

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1600 of 2010

IN

Civil Writ Jurisdiction Case No 13431 of 2009

- =====
1. The State Of Bihar through the Principal Secretary, Human Resources Development Department Govt. Of Bihar, Patna
 2. District Education Officer Gaya
 3. District Superintendent of Education Gaya
 4. The District Compassionate Appointment Committee Through Its Secretary Cum Additional Collector (Ceiling) Gaya
 5. The Block Development Officer Gaya
 6. Collector Cum District Magistrate Gaya

.... Appellant/s

Versus

Pinku Sehgal S/O Late Vijay Kumar Sehgal & Late Smt Usha Kumari Kapoor R/O Moh Jai Prakash Nagar, Road No.1, P.S.Civil Lines, Gawal Bigha, Distt-Gaya

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 30-04-2015

Having heard the learned counsel for the State, we are of the view that this appeal is fit to be dismissed. Learned single Judge has held that in respect of compassionate appointment of the writ petitioner, who is respondent in this appeal, he should be appointed in Class III post commensurate to his educational qualification and not as Panchayat or Nagar Panchayat Teachers which are services not under the Government.

2 This appeal was filed on basis of a contrary view taken by a Division Bench of this Court. The matter, in the meantime,

travelled to the Apex Court and the Apex Court in the case of *Vishwanath Pandey –Versus- State of Bihar & Others* reversed the view of the Division Bench affirming the view of the learned single Judge since reported in *2013 (3) PLJR 305 (SC)*. The view of the learned Single Judge was the same in that case as taken by the learned single Judge in this case.

3 Thus, we find no merit in this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Rajendra Kumar Mishra, J)

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