

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2152 of 2013

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Krishna Kumar, S/O Late Hari Prasad Sinha, resident of Village and P.O.-
Morsand, P.S.- Pusa, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Vikash Bhawan Bailey Road, Patna
2. The Director, Secondary Education, Budha Marg, Bihar, Patna
3. District Education Officer At/Po/District Samastipur
4. The Headmaster, Puran High School, Morsand, At & Po- Morsand, P.S. Pusa, District- Samastipur
5. Treasury Officer, Samastipur
6. The Accountant General, Bihar, Beer Chand Patel Path, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mithileshwar Prasad Shukl

For the Respondent/s : Mr. Md. N. Hoda Khan Sc18

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 06-10-2015 Let the Accountant General, Bihar (respondent no.6)

be deleted from the array of respondents.

The petitioner seeks direction to the respondents to pay salary on a regular scale of pay from the date of his appointment on compassionate ground as Niyojit Teacher.

The petitioner's father was working as an Assistant Teacher in the Government Kisan High School, Morsand in the district of Samastipur from 02.10.1980. He died on 05.08.2009, while he was in service.

The petitioner filed an application for compassionate appointment and finally he was appointed as Niyojit Teacher on

26.06.2010 (Annexure-4 Series).

The case of the petitioner is that the legal heir/ dependant of a Government servant appointed on compassionate ground should be paid regular scale. As the petitioner was not paid regular scale, he made a representation in the light of order dated 18.12.2009, passed in C.W.J.C. No. 10616 of 2009 (Brajesh Kumar Vs. The State of Bihar & Ors.). However, no relief was granted to the petitioner.

It appears that the matter traveled to the Hon'ble Apex Court bearing SLP (C) No. 29655 of 2010. Before the Hon'ble Apex Court, counsel for the State submitted that if the petitioners withdraw this petition and move the authorities concerned, their cases shall be considered in accordance with law. A copy of the order of the Hon'ble Apex Court is annexed as Annexure-10.

The petitioner submits that the matter is still pending consideration.

In view of the order of the Hon'ble Apex Court passed in S.L.P. (C) No. 29655 of 2010, the petitioner filed a detailed representation before the District Education Officer, Samastipur, which has been forwarded to Director, Secondary Education, but no action has been taken in this regard.

The writ application is disposed of with a direction to respondent no.2 to take appropriate decision in the matter within four months from the date of receipt/production of a copy of this order.

(Samarendra Pratap Singh, J.)

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