

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1943 of 2010

IN

Civil Writ Jurisdiction Case No. 8686 of 2009

- =====
1. The State of Bihar
 2. The Commissioner-cum-Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
 3. The Director, Primary Education, Bihar, Patna
 4. The District Magistrate, Supaul
 5. The District Superintendent of Education, Supaul

.... Appellants

Versus

Vijay Kumar Bharti, son of Late Baldeo Ram, resident of Village Kharal Punarvas,
Ward No. 16, Supaul, P.S. Supaul, District Supaul

.... Respondent

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Appearance :

For the Appellants : Mr. Md. Nadim Seraj, GP-20
Mr. Shailesh Kumar, AC to GP-20

For the Respondent : Mr.

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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: 21-07-2016

State is in the appeal against the order of the learned
Single Judge dated 08.01.2010, passed in C.W.J.C. No. 8686 of 2009
(Vijay Kumar Bharti Vs. The State of Bihar and others) whereby the
learned Single Judge has held that so far as the writ petitioner is
concerned, he had to be adjusted on compassionate basis as against
the Assistant Teacher and not under/ or as Panchayat Teacher.

Having considered the facts, we are of the view that
no interference is called for.

Father of the petitioner was an Assistant Teacher and

died in harness on 05.11.2004 i.e. long before the Bihar Panchayat Primary Teachers (Appointment and Service Condition) Rules, 2006 came into effect pursuant to which post of Panchayat Teacher was created. Therefore, a right in the writ petitioner had been crystallized for being absorbed against the post of Assistant Teacher in Government service. This question is no more open, as it has been settled by the Apex Court in the case of Vishwanath Pandey Vs. State of Bihar and others since reported in (2013) 10 SCC 545 equivalent to 2013(3) PLJR 305 (SC).

In view of the aforesaid, we find no merit in this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	
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