

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.576 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 12983 of 2013

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Reena Sinha, Wife of Late Ram Nirajna Kumar Sinha Resident of Mohalla -
Bakaerganj, Opp. B.N. Collegiate School, Narang Gali, P.S. Peerbahore, District -
Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources
Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Patna
4. The District Education Officer, Patna.
5. The District Compassionate Committee Patna through its Chairman.
6. The Commissioner, Patna Nagar Nigam, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Anisur Rahman, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-09-2016

The challenge in the present Letters Patent Appeal is
to an order passed by the learned Single Bench on 16.07.2013 where
the claim of the appellant for appointment on compassionate ground
against a regular pay scale than that of a fixed pay scale of Nagar
Teacher remained unsuccessful.

Such issue as to whether the dependants of deceased
teacher are entitled to be appointed in a fixed salary or in the regular
pay scale was examined by a Division Bench of this Court in L.P.A.

No. 931 of 2015 (Ravi Kant Jha & Ors. vs. The State of Bihar & Ors.) decided on 14.09.2016. It has been *inter alia* held that the dependents of teacher, who is a Class-III employee, cannot seek appointment against Class-III post in a regular pay scale.

In view of the said judgment, we do not find any merit in the present Letters Patent Appeal. The same stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

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