

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.182 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1874 of 2014**

Kuldeo Jha S/o late Kapileshwar Jha, resident of village- Kusmaul, Bahram, P.O. - Balain, P.S- Benipatti, District- Madhubani. At present posted as Block teacher at middle School, Naukarahi, P.S. - Benipatti, District- Madhubani.

.... Petitioner-Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Programme officer (Establishment), Madhubani.
5. The District Education Officer, Madhubani.
6. The Block Development Officer, Benipatti, District- Madhubani.
7. The Block officer, Benipatti, District- Madhubani.

.... Respondents-Respondents

Appearance :

For the Appellant : Mr. Ratanakar Jha, Advocate
For the Respondents : Mrs. Nivedita Nirvikar, G. A.-10
Mr. Avinash Kumar, A.C. to G.A.-10

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-04-2016

The order dated 18th of February, 2014 is subject matter of challenge in the present Letters Patent Appeal whereby the claim of the appellant for appointment on compassionate ground on regular pay scale was declined.

The assertion of the appellant is that he was appointed in the year 2013 after waiting for compassionate appointment for almost 25 years. Therefore, his rights are to be examined as on the date of death of the bread-earner and not on the day he was actually

appointed.

We do not find any merit in the argument raised. The appellant was appointed in the year 2013 when no appointments in any category are being made in the regular pay scale as all appointments since 2008 is being made on a fixed remuneration on the post of Prakhand/Panchayat teacher. Since the appellant was appointed in the year 2013, the appellant cannot claim regular pay scale as none is in force.

The fact remains that even though bread-earner of the appellant have died in the year 1984, but the appellant kept silent for almost 25 years when he was appointed on compassionate ground on a fixed salary. We are doubtful as to whether the appellant could be appointed after 25 years on compassionate ground, but whatever may be the situation, we do not find any reason to interfere with the order passed by the learned Single Bench.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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Transmission Date	