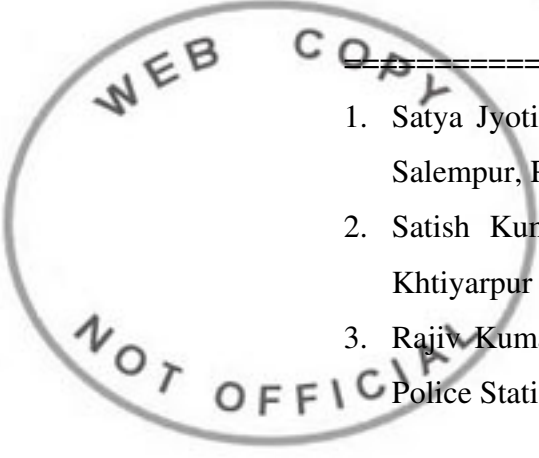


IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.573 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 19029 of 2013

- 
1. Satya Jyoti Kumar Son Of Late Satish Chandra Roy Resident Of Village - Salempur, Police Station - Musrigharari, District - Samastipur.
 2. Satish Kumar Singh Son Of Late Raj Karan Singh Resident Of Village Khtiyarpur Khajury, Police Station Ghatasho, District - Samastipur.
 3. Rajiv Kumar Son Of Late Dinesh Prasad Singh Resident Of Village Mahthi, Police Station Ujiyarpur, District - Samastipur.

.... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Department, Government Of Bihar, Patna.
2. The Director, Primary Education, Human Resources Department, Government Of Bihar, Patna.
3. The District Compassionate Appointment Committee through its Chairman-Cum-District Magistrate-Cum-Collector, Samastipur.
4. The District Magistrate-Cum-Collector, Samastipur.
5. The District Education Officer, Samastipur.
6. The District Programme Officer, Samastipur.
7. The Block Development Officer, Sarairanjan in the District Of Samastipur.
8. The Block Development Officer, Ujiyarpur in the District Of Samastipur.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate.

For the Respondent/s : Mr. Suresh Kumar, AC to GP-1

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 18.11.2013 where the claim of the appellants for appointment on compassionate ground against a regular pay scale than that of a fixed pay scale of Prakhanda 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.

Learned counsel for the appellants argued that the judgment in Ravi Kant Jha's case is not applicable to the present case inasmuch as the appellants were recommended for appointment by the Collectorate in the regular pay scale. Therefore, the claim of the appellants is covered by a judgment of the Hon'ble Supreme Court in the case of Vishwanath Pandey vs. State of Bihar and Ors. reported as (2013) 10 SCC 545.

We do not find that for the said fact alone, the judgment in Ravi Kant Jha's case shall not be applicable to the appellants. The fact is that the appellants are dependents of teacher who were Class-III employees. The appellants having been appointed

on a fixed salary seek appointment against Class-III post in a regular pay scale. The reasoning of this Court in Ravi Kant Jha's case is fully applicable to the facts of the present case as well.

In view of the reasoning recorded therein, 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

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A