

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12135 of 2013

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1. Rajnish Kumar Son Of Late Surendra Sharma Resident Of Village Salempur,
P.S. Sakurabad, District Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary, Human Resources
Department, Government Of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Jehanabad
4. The District Education Officer, Jehanabad
5. The District Programme Officer (Estt.) Jehanabad
6. The Block Education Extension Officer, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Veena Rani Prasad,
Mr. Ravinder Kumar Sharma,
For the State : Mr. Rakesh Prabhat, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-09-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner is seeking relief for
appointment on Class III post.

Learned counsel for the petitioner submits that though
petitioner has been appointed on compassionate ground as Block
Teacher untrained even though the District Magistrate informed
the District Education Officer, Jehanabad that District
Compassionate Appointment Committee recommended for
appointment on Class III post. The case of the petitioner was



recommended for selection on Class III post on 1st January, 2006 and the same was communicated by the District Magistrate, Jehanabad vide letter dated 25.9.2006. In stead of granting relief of appointment to the petitioner on Class III, has been made Block Teacher in view of the instruction issued by the State Government that any appointment on compassionate ground will be made as Panchayat teacher or Block Teacher. He further submits that this Rule has been enforced in July, 2006 whereas recommendation has been made much earlier. In such circumstances, he should be appointed on Class III post in stead of Block Teacher. He has further submitted that father of the petitioner was a Government servant, not Block Teacher nor the Panchayat teacher. In such circumstances, he should have been given the benefit of Class III post. He has placed reliance on the judgment of the Hon'ble Supreme Court in the case of Vishwanath Pandey v. State of Bihar and others, reported in 2013(3) PLJR 305 SC where also the person was recommended for appointment on Class III post but was appointed as Block Teacher, after joining he persuaded the matter for his conversion to Class III unsuccessfully. Finally Hon'ble Supreme Court has granted relief.

In such view of the matter, case of the petitioner should be

considered in the light of Vishwanath Pandey (supra) case. If the issue is found to be identical then same benefit should be granted to the petitioner.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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