

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13622 of 2016

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1. Somal Ahmad Khan S/o Late Helal Ahmad Khan Resident of village - Nagar Basti, P.S. Warishnagar, Distt. - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department Govt. of Bihar, Patna
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Samastipur, District Samastipur
4. The District Education officer, Samastipur
5. The District Programme officer (Establishment), Samastipur
6. The Block Education officer, Warisnagar Block, District Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Respondent/s : Mr. Jitendra Kr. Roy No.1, SC 13

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-12-2016

Petitioner is an untrained teacher. He is looking for benefit of appointment under the State under compassionate head. Since the respondents are not willing to oblige him, he has approached the High Court by filing the writ application for a direction. Only after the Court ordered the personal presence of the District Programme Officer (Establishment), Samastipur that a counter affidavit has been filed. The stand taken by them in the counter affidavit is that the petitioner being an untrained teacher cannot be appointed under the State of Bihar after 31st of March, 2015. This is the policy decision and the same has been incorporated in the relevant rules, a copy of which has been annexed as Annexure-C to the counter affidavit.



Another aspect, which has been pointed out, is that an identical matter was raised by yet another petitioner from the same district, which is the case of Arun Kumar, where the Court after due deliberation and consideration rejected the claim of the petitioner in view of the prevalent obligation of a claimant that such appointee to be trained before any benefit of appointment even under compassionate head can be extended.

The rational and reason provided by this Court in Annexure- A, which is the case of Arun Kumar, is also applicable to the case of the present petitioner.

Since the petitioner is admittedly untrained, therefore, the Court will not give any direction for his appointment under the compassionate head in violation of the rules in place and the mandate that no untrained teacher will be appointed in the State after 31st of March, 2015.

Writ has no merit. It is dismissed.

Personal presence of the District Programme Officer stands dispensed with.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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