

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8503 of 2013

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Alok Ranjan Son Of Late Ramashray Sharma Resident Of Village - Pitwans, P.O. - Pitwans, P.S. - Naubatpur, District - Patan, At Present Residing At Meena Bhawan, Moh. - Budha Nagar, At And P.S. - Masaurhi, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director (Primary Education), Bihar, Patna
3. The District Magistrate, Patna
4. The District Education Officer, Patna
5. The District Programme Officer (Establishment), Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tiwari, Adv.

For the Respondent/s : Mr. Siddharth Shankar Pandey, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-06-2016

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

In this case, the petitioner is seeking appointment on compassionate ground.

During pendency of this writ application, the petitioner has been appointed as a Nagar Parishad Teacher but, subsequently he has filed interlocutory application claiming that he should be appointed on the Class-III post on regular basis and has placed reliance on the judgment in the case of *Vishwanath Pandey Vs. State of Bihar & Ors.* reported in 2013(3) PLJR SC 305.

The claim of the petitioner is that he has been appointed on consolidated pay rather, as per decision taken by the State Government, he should have been appointed on regular pay on Class-III post but the rule provides that a person can be appointed on Class-III or Class-IV post. Learned counsel for the petitioner has also submitted that the father of the petitioner was getting a regular pay-scale and was a regular employee and so he cannot be appointed on the post which carries a consolidated pay.

The petitioner, if so advised, may approach the competent authority who shall consider the case of the petitioner in the light of the judgment passed in the case of Vishwanath Pandey (supra) and shall take a decision in accordance with law.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.6.2016
Transmission Date	NA