

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15588 of 2014

=====

Shashi Ranjan Kumar, S/o Late Rajkishore Labh, resident of Mohalla-Sarswati Nagar, P.O.- Janakpur Road, P.S. : Pupri, District : Sitamarhi.

.... Petitioner

Versus

1. State of Bihar.
2. The Commissioner-cum-Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Additional Secretary, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The District Magistrate, Sitamarhi.
6. The District Education Officer, Sitamarhi.
7. The Block Education Officer, Pupri, Sitamarhi.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Niraj Kumar, Advocate.

For the Respondents : Mr. Nirbhay Kr. Singh, G.P. 26.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-11-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has filed this application for the following relief (s):

“(i) For issuance of an appropriate writ in the nature of mandamus or any appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to make necessary correction in the letter of appointment of the petitioner vide Memo No.216, dated 20.04.2012 (Annexure-5) and shift or appoint the petitioner against the Class-III post in regular pay scale (Grade Pay of Rs. 1900/-).

(ii) For issuance of direction to the respondents to make payment of arrears of salary to the petitioner from the date of his appointment till date, and the current salary.



(iii) For issuance of any other appropriate order/orders, direction/directions as Your Lordship may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner submitted that the issue involved in this matter relating to compassionate appointment of the petitioner on Class-III post in regular pay scale is covered by the decision of the Hon’ble Supreme Court of India rendered in Civil Appeal No.4776-4777/2017 dated 03.04.2017, therefore, the petitioner is entitled for the relief sought for, as his father while serving the post of Clerk in L.M. High School, Pupri, District- Sitamarhi died on 14.05.2010.

Considering the relief sought for as indicated above, and taking note of the order passed by the Hon’ble Supreme Court in Civil Appeal No.4776-4777/2017 dated 03.04.2017, the respondent no.4 the Director, Secondary Education, Bihar, Patna is directed to examine the case of the petitioner in the light of the order passed in Civil Appeal No.4776-4777/2017 dated 03.04.2017, and if the case of the petitioner is found identical then pass an appropriate order, in accordance with law, within a period of three months from the date of receipt/production of copy of this order.

It is also made clear that the respondent no.4, if finds the case of the petitioner being not identical to Civil Appeal



No.4776-4777 of 2017, in that case also, he shall pass a reasoned and speaking order within the said period.

The petitioner is directed to make a representation with a copy of this order before the Director, Secondary Education, Bihar, Patna.

In view of the aforesaid observations and directions, the writ application stands disposed off.

Amit/-

U			
---	--	--	--

(Sudhir Singh, J)

