

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3571 of 2012

1. Rahul Kumar Singh Son Of Late Nand Bihari Singh Resident Of Village And P.O. Chilhari, P.S. Dumraon, District-Buxar, Presently Working As Block Teacher In Middle School, Nuaon, District-Buxar
2. Rajan Kumar Srivastava Son Of Late Ramakant Srivastava Resident Of Village-Pithani, P.O. Kakaria, P.S. Itarhi, District-Buxar, Presently Working As Block Teacher In Middle School, Chilhari, District-Buxar

.... Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Principal Secretary, General Administration Department, Government Of Bihar, Patna
4. The District Compassionate Committee, Buxar Through The District Magistrate-Cum-Chairman, District-Buxar
5. The District Magistrate, Buxar-Cum-Chairman, District Compassionate Committee, Buxar, District-Buxar
6. The District Education Officer, Buxar, District-Buxar
7. The District Program Officer (Establishment), Buxar, District-Buxar
8. The Block Development Officer, Dumraon, District-Buxar
9. The Block Education Officer, Dumraon, District-Buxar

.... Respondents

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Man
For the Respondent/s : Mr. Prashant Pratap Gp6

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 13-11-2017 Following reliefs have been sought for on behalf of the
petitioners, in the present writ application:-

1. For direction upon the respondent authorities for appointment of the petitioners on compassionate grounds in terms with the recommendation of the Compassionate Committee and in



modification of the earlier orders of appointment issued in favour of the petitioners, whereby and whereunder the petitioners were recommended by the District Committee against Class-III post.

2. For a declaration that if after 01.07.2006 i.e. the date when the Bihar Panchayat Elementary Teachers (Appointment and Service Condition) Rules, 2006 came into force, if in the case of a teacher dying in harness, his/her dependents were recommended for appointment against a class-III post by the District Compassionate Committee and pursuant thereto they were appointed as such, the denial of the same benefit to the petitioners by the respondent authorities could be under the teeth of the provisions contained in Article 14 of the Constitution of India and therefore, cannot be sustained in the eye of law.

Considering the reliefs sought for on behalf of the petitioners, the



petitioners are directed to file a representation before the District Magistrate, Buxar-Chairman, District Compassionate Committee, Buxar i.e. Respondent no.5. The respondent no.5 shall consider the representation of the petitioners, in accordance with law, and pass an appropriate order taking into account the State Litigation Policy, in respect to compassionate appointment.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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