

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2995 of 2014

IN

Civil Writ Jurisdiction Case No. 7606 of 2009

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1. Sunil Kumar Pathak S/o Late Yogendra Pathak Resident of Village Dharfari,
P.S. Deoria Kothi, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department,
Government of Bihar, Patna namely Sri R.K. Mahajan.
2. Sri Anupam Kumar S/o Not known to the petitioner Presently posted as the
District Magistrate, Muzaffarpur.
3. Sri Mustaffa Hussain Mansoori S/o Not known to the petitioner Presently
posted as the District Education Officer, Muzaffarpur.
4. Sri Abdus Kalam Ansari S/o Not known to the petitioner Presently posted as the
District Program Officer (Establishment), Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Respondent/s : Mr. Kundan Bhadur Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

Having heard learned counsel for the parties, it is seen
that on 8th of July, 2009 in C.W.J.C. No.7606 of 2009 when a
question arose with regard to grant of compassionate appointment to
a dependant of a Panchayat Teacher who died in harness, a Circular



of the State Government for grant of benefit dated 17.10.2008 was produced before the Court and after evaluating the requirement of the Circular in the backdrop of Rule 10 of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006 as amended by the Rules of 2008, a doubt was created as to which is the authority empowered to recommend appointment in such cases; whether it was the District Compassionate Appointment Committee or any other authority notified by the State Government. Due to this confusion, the only direction issued was that the State Government, if advised, should file a counter affidavit within four weeks and clarify the position. It is not known as to what contempt has been committed in breach of the aforesaid order.

In case the counter affidavit was not filed, the petitioner should have taken action for making the complaint in the pending writ petition which seems to have been disposed of after certain reference and decision taken by a Full Bench of this Court in L.P.A. No.321 of 2010.

Taking note of the totality of the facts and circumstances and the nature of the order passed and the grievance expressed before this Court, no case for making indulgence in the



matter is made out.

This application is, therefore, dismissed.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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