

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1944 of 2010

In

Civil Writ Jurisdiction Case No. 17533 of 2009

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1. The State of Bihar
 2. The Principal Secretary, H.R.D. Department, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Human Resources Development Department, Government of Bihar, Patna.
 4. The Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
 5. The Deputy Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
 6. The District Magistrate, Siwan.
 7. The District Education Officer, Siwan.
 8. The District Superintendent of Education, Siwan.
 9. The Deputy Collector (Establishment), Siwan. Appellant/s

Versus

Dhananjay Kumar Singh, Son of Late Rajendra Singh, resident of Village-Kachanar, P.S. Siswan, District- Siwan. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kr. Singh (AC to GA1)

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 14-09-2017 I.A. No. 10173 of 2010 has been filed for

condoning the delay of 221 days in filing the appeal. Delay is

condoned and I.A. No. 10173 of 2010 stands allowed.

This is an appeal filed by the State of Bihar seeking exception to an order dated 08.01.2010 passed by the Writ Court in C.W.J.C. No. 17533 of 2009. The dispute in question pertains to compassionate appointment granted to the dependants or legal heir of the Assistant Teacher, who died in harness, while working in Primary and Middle Schools.



It was the case of the original petitioner, not only in the present Writ Petition, but also in various other cases, that the District Compassionate Appointment Committee had recommended for their appointment in Class-III posts considering their educational qualification, but in some districts ignoring the recommendation of the District Compassionate Appointment Committee petitioner and other employees have been appointed on the post of Panchayat Teacher/Block Teacher in a fixed salary. All these petitions were disposed of in the light of a judgment rendered in C.W.J.C. No. 10616 of 2009 and various other analogous cases. The writ petitions were disposed of directing the State Government to consider the claim of compassionate appointment in accordance with law and directions issued in various cases i.e. C.W.J.C. No. 10616 of 2009 and other cases.

Challenging these orders, this appeal has been filed by the State Government and, while considering this appeal, this Court earlier was of the opinion that as S.L.P. No. 2694 of 2010, which was filed against the judgment of the Full Bench, was pending before the Hon'ble Supreme Court, the matter was adjourned. Now the Hon'ble Supreme Court has decided the issue in question in case of Mukesh and others Vs. the State of Bihar and Others, reported in (2017) 5 SCC 383 and the State



Government is not required to take action for granting benefit of employees like the present respondent in the light of the directions issued by the Hon'ble Supreme Court in case of Mukesh (Supra).

Accordingly, we dispose of this appeal with a direction to the State Government to proceed in the matter and to take action for granting benefit to the employees like the present respondent in this appeal in the light of the directions issued by the Hon'ble Supreme Court in case of Mukesh (Supra).

The appellants shall now examine the case of the Writ Petitioner in the light of the judgment of Mukesh (Supra) and evaluate their claim with regard to appointment being done prior to 01.07.2006, in accordance with Bihar Panchayat Primary Teacher Rules, 2006 and take a decision afresh in accordance with law, as directed by the Hon'ble Supreme Court. The entire exercise in this regard should be completed within a period of three months.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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