

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1358 of 2015

In

Civil Writ Jurisdiction Case No.2102 of 2015

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1. Kumar Barun, son of late Surendra Narain Singh, resident of Village and Post Office - Bhalua Bhikari, Police Station and Block - Tariya at present working on the post of Panchayat Teacher in Upgraded Middle School Bhalua Shankardih, P.S. and Block - Teria, District - Saran at Chapra.
 2. Anand Kumar Singh, son of Late Gayanand Singh, resident of Village - Mungila, Post Office - Shankarpur Imamganj, Police Station and Block - Paliganj, District - Patna at present working as Panchayat Teacher and posted as Ram Lakhi Kanya Madhya Vidyalaya, Jogiyan, Block Ekma, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Program Officer Establishment Saran at Chapra.
7. The Block Development Officer Teria, District Saran at Chapra.
8. The Block Development Officer Ekma, District Saran at Chapra.
9. The Block Education Officer, Teria, District - Saran at Chapra.
10. The Block Education Officer, Ekma, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Mukul Prasad, AC to GP 18

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2017

Re.: Interlocutory Application No.5942 of 2015

Delay of 69 days in filing of the Letters Patent Appeal is condoned.

Interlocutory Application stands allowed and disposed of.



Re.: Letters Patent Appeal No. 1358 of 2015

Now, in the matter of an appointment on compassionate basis and claim of parity in pay scale, the act of the State Government has to be in conformity with the law laid down by Hon'ble Supreme Court in the case of **Mukesh and another Versus State of Bihar & Others, (2017) 5 SCC 383**. In the aforesaid judgment, after taking note of the law laid down in the case of **Vishwanath Pandey v. State of Bihar, (2013) 10 SCC 545**, Hon'ble Supreme Court has issued directions as are contained in para 5 and 6 of the judgment rendered in the case of **Mukesh** (supra). The State Government has to evaluate the claim of the present petitioner in the matter of grant of pay scale strictly in accordance to the direction issued by the Hon'ble Supreme Court as indicated hereinabove and confer all benefits as may be available to the petitioner in the said case with effect from the date as directed by Hon'ble Supreme Court within a period of sixty days.

With the aforesaid, the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2017
Transmission Date	

