

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1388 of 2015

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Sanjay Kumar son of Late Ashok Mandal resident of village Sanhauuli, Post Kahua,
P.S. Tarapur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar,
Patna.
3. The District Magistrate, Munger.
4. The District Education Officer, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-04-2018

Heard learned counsel for the petitioner.

2. The petitioner has moved the Court for the following
reliefs:

“ (i) For issuance of writ in the nature of
mandamus for commanding the respondents to
appoint the petitioner on compassionate ground
in Class III or IV post.

(ii) For award of the cost of litigation and
suitable compensation to the petitioners for the
undue harassment caused to them.

(iii) For any other consequential relief/reliefs for
which the petitioner is entitled by this Hon’ble
Court in the facts and circumstances of the
present case.”

3. The father of the petitioner, late Ashok Mandal, was



appointed as 4th Grade employee in High School, Kahua, Munger, though temporarily but he was promoted to the post of Clerk and later on his service was made permanent. The school was taken over by the Government on 02.10.1980 and the father of the petitioner also got all consequential benefits as government servant. Thereafter, he died in harness on 10.05.2007. The petitioner being the son applied for appointment on compassionate ground.

4. Though, initially the stand of the State was that the late father of the petitioner had spent more than 42 years, 4 months and 10 days and, thus, beyond the permissible limit to remain in service for superannuation being 42 years, counting on the presumption that initial entry into service was in accordance with the Rules, i.e., at the age of 18 years, however, in the counter affidavit filed on behalf of respondent no. 4, the stand is that in terms of the provisions of Bihar Panchayat Primary Teachers (Employment and Service Conditions) Rules, 2006 and Bihar Nagar Panchayat Teachers (Employment and Service Conditions) Rules, 2006, such claim for compassionate appointment can be considered only on the post of Panchayat/Block Teacher. It has further been stated that the petitioner has been requested to furnish his consent under Letter No. 11015 dated 30.12.2011 for appointment on the post of Panchayat Teacher/Block Teacher/Nagar Teacher which is still awaited. On this



point, the petitioner has filed rejoinder categorically stating that no such request for consent under Letter No. 11015 dated 30.12.2011 was received by him even though he visited the concerned office during that period.

5. Be that as it may, since the authorities themselves have taken the stand that the consent of the petitioner has been sought for his appointment on the post of Panchayat Teacher/Block Teacher/Nagar Teacher to which he has not replied, learned counsel for the petitioner has categorically stated that he is ready for the same.

6. In view thereof, in terms of the stand taken by the State Authorities in the counter affidavit filed on behalf of the respondent no. 4, the writ petition stands disposed off with liberty to the petitioner to give his formal consent to the respondent no. 4 within two weeks from today. Upon receipt of the same, the respondent no. 4 shall proceed in the matter in terms of the affidavit filed by him in the present case. The exercise be completed within two months from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J)

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