

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2348 of 2015

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Sudhakar Kumar, Son of Late Madhwanand Singh, resident of Village -
Murlichandwa, P.S. Udakishunganj, District – Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna
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, Madhepura.
5. The District Programme Officer (Establishment), Madhepura.
6. The Block Development Officer, Block Udakishunganj, District Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Ambrish Kumar Jha, Advocate Mr. Sashi Priya Pathak, Advocate Ms. Preety Kunwar, Advocate Mr. Shubham Jha, Advocate
For the Respondent/s :	Mr. Raju Giri, G.P. 30

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-02-2018

Heard learned counsel for the petitioner and the State.

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

*“a. Issuance of an order, direction or writ in
the nature of mandamus directing the respondents to
appoint the petitioners on the post of Assistant
Teacher in regular Pay scale with all consequential
benefits from the date of his initial appointment as a
fixed honorarium.*

*b. Issuance of an order, direction or writ in
the nature of mandamus directing the respondents to
pay the arrears of salary on the basis of regular pay
scale from the date of his initial appointment, after
converting his service as a Assistant Teacher in
regular pay scale.*

c. Any other relief or releifs to which the



petitioner may be found entitled to in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submitted that the issue involved as to whether the wards of teachers who die in harness shall be governed in terms of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006, which came into force with effect from 01.07.2006 that henceforth appointment on compassionate ground can only be on the post of contractual teachers, has been settled by the Hon'ble Supreme Court in the case of **Mukesh v. State of Bihar** reported as (2017) 5 SCC 383, wherein at paragraph no. 6, liberty has been granted to the wards of such persons who died in harness after 01.07.2016 to approach the State Government for suitable relief in terms of the order passed in **Rajiv Ranvijay Kumar v. State of Bihar**. He submitted that the present writ petition be also disposed off with similar liberty.

4. Learned counsel for the State submitted that he has no objection if the petitioner approaches the authority who shall consider the matter.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid.

6. Since the father of the petitioner died in the year 2006, i.e., more than a decade back, the Court deems it appropriate to direct the authorities concerned to consider and dispose off the



representation of the petitioner by a reasoned order expeditiously and latest within a period of four months from the date of production of a copy of this order before the respondent no. 5.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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