

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 3507 of 2015**

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Rakesh Kumar Son of Late Suresh Prasad, resident of Village - Jagarnathpur, P.O. Madhopur, P.S. Jamo Bazar, District – Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer, Siwan.
7. The District Establishment Committee, Siwan.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 04-09-2018**

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following

reliefs:

*“That through this writ application is being filed by the petitioner for issuance of an appropriate writ in the nature of mandamus directing the respondents to appoint the petitioner on Class-III Government Post in regular pay scale from the date of his selection on the post of Panchayat Teacher on 01.04.2010 on compassionate ground on account of death of his father in Government Upgraded Middle School, Rachhopali Anchal, Barharia, District Siwan.*

*The petitioner further prays to pass any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case.”*



3. The Hon’ble Supreme Court in the case of **Mukesh vs. State of Bihar** reported as **2017 (2) PLJR (SC) 263**, on the issue involved in the present case has held as under:

*“4. For the foregoing reasons, we direct that the Appellants who were recommended for appointment to Class-III or Class-IV posts prior to 1.7.2006 will either be appointed on Class-III or Class-IV posts on regular basis or will be entitled for continuance as Teachers on a regular pay scale. The other Appellants who were appointed after 1.7.2006 will not be entitled for the relief of regular pay scales. However, we grant them liberty to approach the State Government for suitable relief in terms of the order passed in SLP (C) No. 29655 of 2010”.*

4. In view of the aforesaid, the father of the petitioner having died on 27.06.2007 and he being appointed as a Panchayat Teacher on 01.04.2010, clearly disentitles him to the relief claimed.

5. Accordingly, the writ petition stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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