

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1465 of 2015

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1. Ashish Kumar Singh Son of Late Bahadur Singh, resident of Village- Netendar, P.O- Machhatta, P.S- Amaur, District- Purnia.
 2. Md. Gulam Mustaffa, Son of Late Abdul Quaiyum, resident of Village- Hathiya Diara ,P.O.-Dalan, P.S.-Rautara, District-Katihar.

.... 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 cum-Collector, Purnia.
5. The Deputy Collector Establishment, Purnia.
6. The District Programme Officer (Establishment), Purnia.
7. The District Education Officer, Purnia.
8. The Block Education Officer, Block Purnia, East District- Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha,
Ms. Shashi Priya Pathak and
Ms. Preety Kumari, Advocates

For the State : Mr. Jitendra Kumar, A.C. to A.A.G. 14

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-02-2018

Heard learned counsel for the petitioners and the State.

2. The petitioners have 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 from the date of their initial appointment appointed as a block Teacher in 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 and other consequential benefits from the date of their initial



appointment after converting their services as a Assistant Teacher in a regular pay scale.

c. Any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. Learned counsel for the petitioners 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 petitioners approach 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 petitioners 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 petitioners 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. 7.

(Ahsanuddin Amanullah, J.)

P. Kumar

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