

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11014 of 2015

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Binkatesh Ray, Son of Late Paramhans Ray, resident of village - Gorpa, P.S. Chauri, District - Bhojpur at Ara.

.... 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 Education Officer, Bhojpur at Ara.
5. The Block Education Extension Officer, Tarari, District Bhojpur at Ara.
6. The Incharge Headmaster, Upgraded Middle School, Nonadih, Anchal - Tarari, District - Bhojpur at Ara.

.... 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: 06-02-2018

Heard learned counsel for the petitioner and the State.

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

“ That this is an application for issuance of a writ in the nature of Mandamus or any other appropriate writ/order or direction for commanding and directing the respondent authorities to appoint the petitioner as an Assistant Teacher in regular pay-scale and to pay the salary equivalent to the teachers of government schools with all consequential benefits attach to the post and/or for grant of any other appropriate relief/reliefs to which the petitioner may be found legally entitled to in the facts and circumstances of the present case.”



3. Learned counsel for the petitioner submitted that the controversy relates as to whether the wards of teachers who die in harness shall be government 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 2008 i.e., almost 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. 4.

(Ahsanuddin Amanullah, J.)

P. Kumar

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