

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11563 of 2018

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Krishna Kumar, Son of Rajendra Ram, R/o Village + P.O.- Bibhutipur, P.S.-
Bhibutipur, Via- Narhan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate-cum-Chairman, District Compassionate Appointment Committee, Samastipur, District- Samastipur.
5. The District Education Officer, Samastipur, District- Samastipur.
6. The District Programme Officer, Establishment (Education), Samastipur, District- Samastipur.
7. The Block Education Officer, Bibhutipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. S.C.Mishra -SC16

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard the parties.

In the present writ application, the following reliefs
have been sought for on behalf of the petitioner :

(i) For issuance of a writ in the
nature of mandamus or any other appropriate
writ/order/directions to the respondents to
consider the matter of appointment of
petitioner on compassionate ground in view of
the direction given by the department of
General Administration vide Letter No.6905
dated 17.10.2008 by which it was directed to
all the District Magistrate-cum-Chairman,
District Compassionate Appointment



Committee that the post of Panchayat Teacher/Block Teacher/Nagar Teacher are not the post within the control of the Government and as for such making recommendation for compassionate appointment against such post is beyond the jurisdiction.

(ii) Further, for issuance of a writ in the nature of mandamus or any other appropriate writ/order/direction to consider the case of the petitioner in the light of the order dated 03.04.2017 passed in Appeal No.4776/2017 (Mukesh and Another Vs. The State of Bihar and Others) and analogous cases by the Hon'ble Apex Court reported in (2017) 5 SCC 383.

On behalf of the petitioner, it has been submitted that the case of the petitioner is squarely covered by the order dated 3.4.2017 passed by the Hon'ble Apex Court in Civil Appeal Nos.4776-4777 of 2017 and analogous cases.

The Respondent No.6 i.e. The District Programme Officer, Establishment (Education), Samastipur, District Samastipur is directed to examine the case of the petitioner in the light of the case referred above and pass an appropriate order in accordance with law within a period of three months from the date of receipt/production of a copy of this order.



With the aforesaid observation and direction, the
present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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