

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18566 of 2017**

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1. Chandan Kumar, S/o Late Ashok Kumar, Resident of Sheikhpura Gabai, Sheikhpura, Bihar.
  2. Dharama Raj Ji, S/o Late Rameshwar Prasad Singh, Resident of Gunhesha, Gagari, Sheikhpura, Bihar.
  3. Most. Rani Kumari, W/o Late Kanhaiya Ram, resident of Murapur, Katari, Sheikhpura Bihar.
  4. Navin Kumar, S/o Surendra Nath Vishwakarma and Late Sulochna Kumari, Resident of village- Gaur Bigha, P.O.- Malikpur, P.S.- Rajgir, Nalanda, Bihar.
  5. Punit Kumari Rajan, W/o Late Sunil Raot, Resident of Chatthiyara, Sheikhpura, Bihar.
  6. Mahesh Sinha, Husband of Late Nibha Kumari, Resident of Khandpar, Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education Govt. of Bihar, Patna.
3. The Secretary, Department of Education Govt. of Bihar, Patna.
4. The District Magistrate, Sheikhpura.
5. The District Education Officer, Sheikhpura.
6. The District Programmed Officer (Establishment), Sheikhpura.
7. The Regional Director, A.C.T.E, East Region 15, Neelkanth Nagar, Bhubneshwar Orissa.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jai Vardhan Narayan  
For the Respondent/s : Mr. S.C.Mishra -Sc16

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      26-04-2018                      Heard learned counsel appearing on behalf of  
petitioners and learned counsel appearing on behalf of the State.

Six petitioners have approached this Court  
challenging the order contained in Memo Nos.982, 984, 985,  
986, 994 dated 18.09.2017 whereby the District Programme  
Officer (Establishment) Sheikhpura has recommended for



termination of the petitioner working as Panchayat Teacher or Prakhand Teacher. The petitioners were initially appointed on compassionate ground on 31.03.2015. After serving for more than 2 years as Panchayat Teacher/Prakhand Teacher the respondents decided to dispense with the service of the petitioner on the spacious plea that the petitioners have not obtained Teachers Training Qualification and not passed Teachers Eligibility Test. While dispensing the service of the petitioners, respondents have ignored the concept of social security by way of compassionate appointment.

The idea behind compassionate appointment is to provide financial assistance to the family of the employee or the dependents of the erstwhile employee who died-in-harness. Now the respondents have decided to terminate the service of the petitioners on the ground, which was not available on the date the petitioners were inducted as Panchayat Teacher. In 2009, the policy decision was taken to appoint on the post of Panchayat Teacher on compassionate ground. Several writ petitions were filed by the petitioners offered appointment on the post of Panchayat Teachers on compassionate ground as the post of Panchayat Teacher was carrying fixed remuneration whereas the Class-III and Class-IV was more lucrative as the



post of Class-III and Class-IV provides regular pay scale and other allowances. The matter was taken to the Apex Court on different occasion and finally the Apex Court in the case of Mukesh & another Vs. State of Bihar and another reported in (2017) 5 SCC 383 held out that after 01.07.2006 the dependants shall be offered compassionate appointment on the post of Panchayat Teacher. At this juncture taking plea that dependents cannot be appointed on compassionate ground on the post of Panchayat Teacher as virtually render the scheme of compassionate appointment illusory as the respondents cannot consider the case of the petitioners and alike for compassionate appointment on the post of Class-III and Class-IV at the same time, they hold that unless individual passess Teachers Training and clear Teacher Eligibility Test is not eligible for appointment as Panchayat Teacher, such stand is not in furtherance of the concept of compassionate appointment as the respondents are not showing any sympathy or comparison.

On considering the totality of the facts situation including the stand of the Secretary of the Department in his letter in 2016 that individual may be appointed as Panchayat Teachers without Teachers Training and Teacher Eligibility Test but the appointee has to clear TET and acquire Teachers



Training Certificate within a period of 6 years. Since, the petitioners were appointed in the year 2015 they were required to provide 6 years time for passing TET and obtaining Teachers Training Course and before 6 years period, the action of the respondents in dispensing with the services of the petitioner is per se illegal.

In the aforesaid circumstances, the Court is of the considered view that the order contained in Annexure-4 cannot sustain, it is, accordingly, quashed. The petitioners shall be deemed to be reinstated. As a consequence of quashing of Annexure-4 shall be entitled to all the consequential benefits which must be extended to the petitioners within a period of 60 days.

With the aforesaid writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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