

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1326 of 2018

In
Civil Writ Jurisdiction Case No.1684 of 2015

=====

Amar Anand, S/o Late Ashok Kumar Yadav, resident of Village- Pipra, P.S.
Banmankhi, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar.
2. The District Magistrate, Araria.
3. The District Education Officer, Araria.
4. The District Programme Officer (Establishment), Araria.
5. The Block Development Officer-cum- Member Secretary, Block Teacher
Employment Unit, Sikti, District- Araria.
6. The Block Education Officer, Sikti, District- Araria.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey – A.A.G.15

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2018

Heard learned Counsel for the appellant and the learned
Counsel for the respondents.

We had adjourned the matter day before yesterday to
enable learned Counsel for the appellant to assist the Court



keeping in view the judgement relied on by the learned Counsel for the State in the case of Mukesh & Anr. Vs. State of Bihar, reported in (2017) 5 SCC 383.

Paragraph 6 of the said reported judgement is extracted hereinunder:

“ 6. For the foregoing reasons, we direct that the appellants who were recommended for appointment to Class III or Class IV posts prior to 01.07.2006 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 01.07.2006 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 Rajiv Ranvijay Kumar V. State of Bihar.”

It is undisputed that the appellant is claiming compassionate appointment the recommendations of which relate to a period after 1st of July 2006. In such a situation, the grant of regular pay-scale would not be permissible unless the State Government agrees to the said proposition. Learned Counsel submits that in view of the observations made by the Supreme Court in the above quoted judgement, liberty be given to the appellant as well to approach the State Government. It goes without saying that the aforesaid liberty is available and it is for the State Government to take any appropriate decision.



Consequently, the appeal is consigned to records with the said observations.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.12.2018
Transmission Date	N/A

