

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No. 3467 of 2018**

**Arising out of**

**Civil Writ Jurisdiction Case No. 533 of 2010**

=====

Arif Hussain, Son of Late Wakil Ahmad, Resident of Village- Kahala (Hazari Tola), Post Office- Kahala, Police Station- Barauli, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Human Resources Development, Department, Government of Bihar, Patna.
2. Mr. R.K. Mahajan, the Commissioner-cum-Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. Mr. Arbind Kumar Verma, the Director, Primary Education, Government of Bihar, Patna.
4. Mr. Aminesh Kumar Prashar the District Magistrate, Gopalganj.
5. Mr. Punam Chaudhary the District Superintendent of Education, Gopalganj.

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN  
AMANULLAH**

**ORAL JUDGMENT**

**Date : 07-08-2019**

Nobody appears on behalf of the petitioner.

2. Learned AC to AAG 15 for the State has been heard.

3.The petitioner has alleged willful disobedience of the order dated 28.01.2010 passed in CWJC No. 533 of 2010. The direction was to consider the appointment of the petitioner on Class III or Class IV posts as per the eligibility. The matter has travelled to the Hon'ble Supreme Court and ultimately the direction was that persons who were recommended for appointment on 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.

4. The Court had also categorically held that others who were appointed after 01.07.2006 will not be entitled to relief of regular pay scale. However, liberty was granted to them to approach the State Government for suitable relief in terms of the order passed in SLP(C) No. 29655 of 2010.

5. In view of the aforesaid, the claim of the petitioner for being appointed on a Class III or Class IV posts or in regular pay scale of a teacher, in the background of the fact that his case was recommended by the District Compassionate Appointment Committee on 20.09.2006, that is after the cut-off date fixed by the Hon'ble Supreme Court on 01.07.2006, no contempt can be said to have been committed by the authorities.

6. In view thereof, the application stands disposed off.

**(Ahsanuddin Amanullah, J.)**

Anand Kr.

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

