

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5459 of 2016

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Vikalp Kumar Son of Vijay Kumar, Resident of Village- Bandey, P.S.- Tajpur,
Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The Block Development Officer cum Executive Officer, Morwa, Samastipur.
6. The District Education Officer, Samastipur.
7. The District Programme Officer (est.), Samastipur.
8. The Block Education Officer, Patori, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prakash Verma
For the Respondent/s : Mr.Sc31-Pandey S.Sahay

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-02-2019

1. The short point argued by the learned counsel for the petitioner is that the petitioner has been appointed on the post of Panchayat Teacher in view of death of his father through the mode of appointment on compassionate ground, however subsequently, this Hon'ble Court has held that the dependents of the Government employees who die in harness, are required to be appointed in Government service and not as Panchayat Teachers. Reliance is placed on the judgment of the Hon'ble Apex Court rendered in the case of *Vishwanath Pandey v. the State of Bihar & others*, reported in **2013(3) PLJR 305 (SC)**.



2. The learned counsel for the respondents submits that the District Education Officer, Samastipur shall examine the case of the petitioner and take a final decision.

3. Having regard to the submissions made by the learned counsel for the parties, the present writ petition stands disposed of with liberty to the petitioner to approach the District Education Officer, Samastipur by filing a detailed representation within a period of four weeks from today, annexing the aforesaid judgment dated 28.04.2015, whereupon the District Education Officer, Samastipur shall take a decision within a period of eight weeks thereafter and if the case of the petitioner is found to be similar, then same benefits would be extended to the petitioner thereupon.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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