

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14260 of 2019

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Sourabh Kumar Son of Paramhans Kumar Singh, Resident of Village- Bodha Chapra, P.S.- Awatar Nagar, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Appointment Committee, Saran at Chapra.
4. The District Education Officer, Saran at Chapra.
5. The District Programme Officer (Establishment), Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Kishore Singh, Advocate Mr. Anand Kumar Ojha, Advocate
For the Respondent/s	:	Mr.Rajeev Ranjan, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner has filed the present writ petition for a direction to the respondents to grant status of regular teacher in the regular pay scale.

The stand of the State is that the regular teacher cadre is dying cadre and once it is declared dying cadre approved by the Supreme Court, there is no addition to the cadre of teacher which is dying cadre and therefore, the claim of the petitioner for addition in the dying cadre and his treatment as regular teacher is misconceived.



The petitioner was appointed on compassionate ground. At the relevant time compassionate appointment was also admissible against the regular post of Class-III or Class IV post. In 2009 the Education Department came out with a policy decision that henceforth no appointment shall be made on Class III and Class IV post. Compassionate appointment is only available against the post of Niyojit Shikshak as if the teaching was a most neglected job, which was not even comparable to Class-III and Class-IV posts and that is why a large number of writ petitions were filed claiming that instead of appointing them as Niyojit Shikshak, their cases may be considered for appointment on regular Class III or Class IV post. The matter travelled upto the Supreme Court and the Supreme Court has decided the case vide judgment in the case of **Mukesh & anr. Vs. The State of Bihar & Ors: (2017) 5 SCC 383**. The Apex Court having regard to the policy decision of the State Government fixed parameters for considering the case for regular class-III and Class IV posts and appointment as Panchayat Shikshak on compassionate ground.

In view of the judgment of the Apex Court in the case of Mukesh & anr. (supra), the Court is of the view that the petitioner deserves consideration for regular post of Class-III



and Class IV post in the light of the discussions made in the judgment of the Apex Court in the case of Mukesh & anr. (supra).

Considering the above, the writ petition is disposed of with a direction to the respondents to take appropriate decision on the claim of the petitioner in the light of the judgment of the Apex Court in the case of Mukesh & anr. (supra) and pass final order within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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