

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14581 of 2019

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Niraj Kumar, S/o Harivansh Singh, resident of Village- Barauni-2,
Madhorapur, P.O.- Barauni Dyodhi, P.S.- Teghra, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Magistrate-cum-Chairman District Compassionate Appointment Committee, Begusarai, Distt.- Begusarai
5. The District Education Officer, Begusarai, Distt.- Begusarai
6. The District Programme Officer, Establishment, (Education) Begusarai, Distt.- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioner and the respondents.

2. The petitioner has been offered appointment as Block Teacher.

3. The prayer of the petitioner in the present writ application is to direct the respondents to appoint him against the regular post of Assistant Teacher. He placed reliance on the judgment of the Apex Court in the case of **Mukesh & Ano. Vs. The State of Bihar & Ors.**, reported in **(2017) 5 SCC 383**.

4. The admitted position is that the post of regular



teacher is now a dying cadre and the last transaction for appointment of Assistant Teacher was carried out in terms of the direction of the Apex Court in a contempt proceeding and consequence thereof 34540 Assistant Teachers have been appointed by the respondents.

5. Once it is admitted that the cadre of Assistant Teacher is a dying cadre, then it follows as a matter of corollary that there shall be no post available for appointment.

6. In view of the above, the Court does not find any merit in the writ application to issue a direction to the respondents to add the petitioner in the dying cadre. The writ application is totally misconceived and it is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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