

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16341 of 2019

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Rajiv Ranvijay Kumar, S/o Late Kamleshwar Kumar Singh, Resident of
Village- Bairo Tola, PS Chandi, Dist. Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Education Officer, Bhojpur at Ara
5. The District Programme Officer (Establishment) Bhojpur at Ara
6. The Block Education Officer, Koilwar, Ara Mufassil (South), Dist.Bhojpur at Ara
7. The Drawing and Disbursing Officer Upgraded Middle School, Alipur, Anchal- Ara Mufassil (South), Dist-Bhojpur at Ara.
8. The Headmaster, Upgraded Middle School, Alipur, Dist. Bhojpur at Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey
For the Respondent/s : Smt.Shilpa Singh (Ga12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner, who was initially appointed on compassionate ground as Block Teacher, approached this Court for a direction to the respondents to appoint him as regular teacher in the light of the recommendation of the District Compassionate Committee dated 07.12.2005.

The matter was taken to the Full Bench and the Full Bench of this Court rejected the claim of the petitioner and alike. Thereafter the matter was taken to Apex Court in S.L.P.



No. 29655 of 2010. During the pendency of the SLP, the State directed the department to take decision for consideration of the case of the petitioner and alike for appointment on regular post and thereafter SLP was withdrawn on 26.12.2012 and the respondents took approximately five years and three months time in considering the case of the petitioner for appointing the petitioner on regular post of Assistant Teacher on compassionate ground.

Mr. Bishnu Kant Dubey, learned counsel for the petitioner submits that the petitioner is entitled to the similar benefit as granted in the case of Mukesh & Ano. and Bishwanath Pandey, who were favoured with the regular appointment on compassionate ground.

There is no controversy as to appointment of the petitioner on regular post of Assistant Teacher on compassionate ground. The only controversy is whether the petitioner is entitled to payment of pay scale of Assistant Teacher from a date anterior to his appointment as regular teacher after withdrawal of SLP No. 5328 of 2012 whereby Vishwanath Pandey was granted the benefit w.e.f. 26.11.2006. Mr. Dubey submits that the case of the petitioner is similar to that of Vishwanath Pandey and as such the petitioner is entitled to similar treatment.



Since the petitioner was appointed on compassionate ground on regular pay scale by the conscious decision of the respondents, the respondents have to take appropriate decision for grant of benefit from the date of initial appointment as regular Teacher till the date of actual appointment after withdrawal of SLP as the respondents cannot adopt two different yardstick in the case of similarly circumstanced person. The respondents have also to take appropriate decision for grant of benefit of arrears, if any, in the light of decision of Mukesh & Ano and Bishwanath Pandey and grant similar benefit of this petitioner within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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