

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17864 of 2019

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Rajesh Kumar S/o Late Narayan Lal Bishwas Resident of Village- Bankora,
P.S. Amour, District- Purnea, At present R/o Shanti Nagar, Rambag, P.S.- K.
Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary cum Commissioner, Human Resource Development
Department, Patna.
3. The District Magistrate, Purnea, District- Purnea.
4. The District Education Officer, Purnea, District- Purnea.
5. RDDE Purnea, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Respondent/s : Mr. Suman Hitesh, A.C. to S.C. 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 03-09-2019 Heard learned counsel for the petitioner as well as

learned counsel appearing on behalf of the respondents.

Petitioner has filed the present writ application for a
direction to the respondent to promote the petitioner on the post
of regular Assistant Teacher in light of the judgement of the
Apex Court in Mukesh & Ors. Vs. The State of Bihar & Ors.
Reported in (2017) 5 SCC 383.

Judgment of the Apex Court in Mukesh (supra) is
relevant for the purpose of consideration for grant of
compassionate appointment. There is no discussion in the said
judgement as to promotion on regular post of Assistant Teacher.



This Court had the occasion to consider the other judgement of the Apex Court in the case of State of Bihar Vs. Dilip Kumar & Ors in C.W.J.C. No. 16107 of 2009.

Considering the aforesaid, the present writ application is disposed of with a direction to the respondents to take appropriate decision in the light of judgement in Mukesh Kumar (supra) and judgement in State of Bihar Vs. Dilip Kumar & Ors in Civil Appeal No. 5205 of 2019 dated 18.07.2019 at the earliest, preferably within a period of 60 days from the date of receipt/production of a copy of this order.

It is made clear that the aforesaid judgement does not laid down any law for promotion to the post of Assistant Teacher to appointees on compassionate ground.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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