

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21953 of 2019

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Mahmood Alam Son of Late Md. Kudus, Resident of Village- Sonapur, P.O. Puranganj, P.S. and Block- Baisi, District- Purnea, at present posted as Prakhanda Teacher, Middle School, Sonapur, Block- Baisi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The District Compassionate Appointment Committee through its Chairman the District Magistrate, Purnea.
4. The District Superintendent of Education, Purnea.
5. The Block Teacher Appointment Committee Baisi, Purnea.
6. The Block Development Officer-cum- the Executive Officer Panchayat Samiti, Baisi, Purnea.
7. The Block Extension Education Officer-cum- Secretary Block Teacher Appointment Committee Baisi, Purnea.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-12-2019 Heard both sides.

2. The petitioner filed this writ petition for a direction to the respondents to appoint the petitioner on regular post in regular pay scale of teacher.

3. Learned counsel for the petitioner submits that the father of the petitioner died on 24.02.2004. The petitioner filed petition on 15.01.2005 before appropriate authority for appointment on compassionate ground. The Appointment Committee, on compassionate ground, recommended the name



of the petitioner vide letter no.2571 dated 06.11.2007 for appointment on the post of Block Teacher.

4. Learned counsel for the petitioner further submits that the Government of Bihar has framed rule for Bihar Niyojit Teachers and the rule provides appointment of a candidate on compassionate ground on the post of Niyojit Teacher. This dispute went up to the Supreme Court and in the case of Mukesh Kumar & Ors. vs. The State of Bihar & Ors. (Civil Appeal No.4776-4777 of 2017) directed that the appellants, who were recommended for appointment to Class III or Class IV posts prior to 01.07.2006, will either be appointed on Class III or Class IV posts on regular basis or will be entitled for continuance as teacher on a regular pay scale. The other appellants, who were appointed after 01.07.2006, will not be entitled for the relief of regular pay scale. However, liberty was granted to them to approach the State Government for suitable relief in terms of the order passed in S.L.P. (C) No.29655 of 2010.

5. In view of the decisions of the Hon'ble Supreme Court, the petitioner is not entitled to be appointed on regular pay scale, as his recommendation for appointment was made on 06.11.2007 admittedly after coming into the rules of Bihar



Panchayat Teacher/Prakhand Teacher/Nagar Teacher Rules, 2006 made effective from 01.07.2006 but the learned counsel for the petitioner submits that the petitioner may be allowed to pursue his representation already filed before the Principal Secretary, Education Department, Government of Bihar (Annexure 8).

6. Having considered the submissions of learned counsel for the petitioner, I find no merit in this writ petition but the same is disposed of with liberty to the petitioner to pursue his representation pending before the Principal Secretary, Education Department, Government of Bihar.

7. With the aforesaid observation, this writ petition stands disposed of.

(Prabhat Kumar Jha, J)

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