

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2054 of 2020

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Bijay Kumar @ Vijay Kumar, S/O Late Rabindra Pd. Singh, R/O Village Nimi, P.S. Sheikhopur Sarai, Dist- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate Jamui P.S. and Dist- Jamui.
4. The District Education Officer, Jamui, P.S. and Dist- Jamui.
5. The District Superintendent of Education, Jamui, P.S. and Dist- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate
For the State : Mr.Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2020 Heard learned counsel for the petitioner and the State.

It has come on record in different cases that those who died prior to 1.7.2006, in their cases appointments were permissible against the regular post of the Assistant Teacher in the light of the decision of the Apex Court in the case of Mukesh & anr. Vs. The State of Bihar & Ors: (2017) 5 SCC 383.

Today learned counsel for the petitioner has drawn attention of the Court to Annexure-5 to the writ petition, whereby decision was taken for appointment on regular post.



The petitioner was appointed after series of litigations in 2017 not against regular post but as Panchayat Shikshak. The State cannot adopt two different yardsticks in the matter of compassionate appointment. If they have fixed cut-off date 1.7.2006, they are required to adopt uniform practice in the matter of compassionate appointment.

Considering the submissions advanced on behalf of the petitioner, the writ petition is disposed of with the direction to the respondents to take appropriate decision in the light of the judgment of the Apex Court in Mukesh's case within a maximum period of four months 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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