

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4267 of 2020

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Amul Kumar Mishra, S/o Late Awadhesh Mishra resident of Village-
Bankatawa, P.S.- Bagaha, District - West Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Chief Secretary, Bihar, Patna
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna
4. The Principal Secretary, Department of Education, Bihar, Patna
5. The Director, Primary Education, Department of Education, Bihar, Patna
6. The Collector cum District Magistrate – cum - Chairman, District Compassionate Committee, West Champaran at Bettiah
7. The District Programme Officer, Establishment, West Champaran at Bettiah
8. The District Education Officer, West Champaran at Bettiah
9. The Block Education Officer, Bagaha-1, District- West Champaran
10. The Headmaster, Government Higher Secondary School, Bishambharpur, Garahiya, Bagaha-1, District- West Champaran

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sanjeev Kumar, Advocate
For the Respondents : Mr.Subas Chandra Mishra, SC16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-03-2020 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The present writ petition has been filed for a
direction to the respondents to consider his case for appointment
on compassionate ground.

After coming into force of sub-clause (7) of the
Bihar Panchayat Primary Teacher (Employment and Service



Conditions) Rules, 2006, the respondents have decided to make appointment on the post of Panchayat Teacher/Block Teacher/Town Teacher. In 2012, the respondents have fixed the eligibility criteria/qualification for appointment as Niyojit Shikshak as trained with TET qualification which rendered the claim of the compassionate appointment virtually redundant.

A special Committee was constituted by the Education Department comprising of the Additional Secretary, Education Department; Deputy Director, Primary Education Directorate, Deputy Director, Higher Education and Assistant Director, Secondary Education. The Committee recommended for appointment of a person on compassionate ground on the posts of Clerk and Peon in terms of Memo No. 1275 dated 26.09.2019.

Considering the aforesaid recommendation of the Special Committee vide Memo No. 1275 dated 26.09.201, the writ petition is disposed of with a direction to the respondents to examine the claim of the petitioner afresh for appointment on compassionate ground against class III or IV post if the petitioner is not found eligible for appointment as Panchayat Teacher notwithstanding the previous decision rejecting the claim of the petitioner. In this regard a fresh decision shall be



taken by the respondents within a maximum period of three months from the date of receipt/ production of a copy of this order.

With the aforesaid observations and directions, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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