

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22416 of 2019

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Prince Kumar Ojha Son of late Dilip Ojha @ Late Dilip Kumar Ojha,
Resident of Village- Tanrwa, Tarwanparsa, Hasanpura, Police Station- M.H.
Nagar (Hasanpura), District-Siwan.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
4. The Deputy Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
5. The Director, Primary Education, Education Department, Bihar, Patna.
6. The District Magistrate, Siwan.
7. The District Education Officer, Siwan.
8. The District Programme Officer (Establishment) Education, Siwan.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondents	:	Smt. Shilpa Singh GA12
		Mr. Ram Vinay Pd. Singh, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-02-2020 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. In this regard necessary decision shall be taken by the respondents within a maximum period of sixty days from the date of receipt/ production of a copy of this order.



The letter no. 1736 dated 12.07.2019 issued by the District Programmer Officer (Establishment), Saran (Annexure-6) shall not come in the way of the respondents in taking fresh decision for appointment of the petitioner on class III post.

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

(Anil Kumar Upadhyay, J)

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