

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3230 of 2020

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Ashutosh Kumar Son of Late Vijay Sharma, Resident of Village- Suryagarha,
P.O. Nadwar, P.S. Dhanarua, District- Patna. At present F-68 02 Anand Vihar
Colony, Bhutnath Road, Sampatchak, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The District Education Officer, Nalanda.
5. The District Programme Officer (Establishment), Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Jha
For the Respondent/s	:	Mrs. Binita Singh (Sc28)
		Mr. Kumaresh Singh, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 02-09-2024

Heard learned counsel for the parties.

2. The present writ application has been filed for quashing the order contained in Memo No.1466, dated 07.09.2019, issued under the signature of the District Education Officer, Nalanda, whereby and whereunder, the claim of the petitioner for appointment on compassionate ground has been rejected in contravention of the Departmental circular itself. And also for issuance of a direction to the respondents to appoint the petitioner on compassionate ground in the light of Memo No.1275, dated 26.09.2019, issued under the signature of



Director, S.C.E.R.T., Education Department, Government of Bihar, Patna.

3. Learned counsel for the petitioner submits that the short fact of the case is that the father of petitioner died in harness on 20.10.2004 from the post of Assistant Teacher, High School, Mahmmadpur, District- Nalanda. Thereafter, petitioner applied for his appointment on compassionate ground before the concerned authorities.

4. He further submits that the appointment of the petitioner on compassionate ground was initially put before the District Compassionate Committee but the same was returned with objection for filing few documents.

5. The petitioner was advised to wait till the outcome of the case of Mukesh and others in the Hon'ble Apex Court for grant of the benefit of regular status. The Hon'ble Apex Court in *Civil Appeal No.4776-4777 of 2017 (Mukesh and others vs. The State of Bihar and others)* has laid down that the appellants whose father/mother died prior to 01.07.2006 shall be eligible for the benefit of regular pay scales by way of order dated 03.04.2017 and the case of the petitioner is squarely covered by the said judgment.

6. A counter-affidavit is filed on behalf of the State and in



para-10 of the counter affidavit, it is stated that the petitioner was allowed to appoint on the post of Panchayat/Prakhand Teacher in the year 2009 but he did not furnish his consent and resultantly could not appoint on the post of Panchayat/Prakhand Teacher on compassionate ground and after lapse of more than 10 years, he approached this Court claiming that his case is squarely covered by the judgment passed by the Apex Court.

7. I have heard the parties at length. It is an admitted fact that the petitioner was offered appointment on the post of Panchayat/Prakhand Teacher in the year 2009 but he refused to give his consent and now he has filed the present writ application for his appointment.

8. Considering the facts and circumstances of this case, I find no merit in the present writ application and it is, accordingly, dismissed.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

