

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5031 of 2020

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Amarjeet Kumar Son of Upendar Choudhary, Resident of Village- Ward No. 11, Chhatapur, P.S. Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Teachers Employment Appellate Authority, Purnea.
4. The District Education Officer, Purnea.
5. The District Programme Officer (Establishment), Purnea.
6. The Block Education Officer, Block- Jalalgarh, District- Purnea.
7. The Panchayat Secretary, Gramn Panchayat Raj Nij Gehua, Block Jalalgarh, District- Purnea.
8. The Mukhiya Gram Panchayat Raj Nij Gehua, Block Jalalpur, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sheo Nandan Prasad, Adv. Mr. Rajnish Kumar, Adv.
For the Respondent/s	:	Mr. Madhaw Prasad Yadaw (GP23) Mr. Arvind Kumar, AC to GP23

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 01-07-2024

Heard learned counsel for the petitioner and learned

counsel for the State.

2. The present writ petition has been filed seeking the

following reliefs:

“(i) For issuance of appropriate order direction to quash the order dated. 25.11.2019 in memo No. 4118 (Annexure-2) by which the petition of the petitioner for appointment of teacher on compassionate ground has dismissed by the District Programme Officer (Establishment) Purnea, (Respondent no.5) and appoint the petitioner on the Suitable post as clerk under School of Panchayat Raj Nij



Gehua Block the Jalalgarh, on District-Purnea basis of compassion appointment and first at Ground opportunity. According to order dated 26.09.2019 in C.W.J.C.no. 19890 of 2019.

(ii) To issue a direction upon the respondents to appoint the petitioner on the post of suitable post of the educated of the petitioner entitled on the basis of compassionate Ground.

(iii) To provide any other reliefs/relief for which petitioner is entitled for.”

3. Learned counsel for the petitioner submits that earlier the petitioner has filed C.W.J.C. No. 19890 of 2019 and by order dated 26.09.2019 the same has been disposed of by a co-ordinate Bench of this Court with a direction to the respondents to take appropriate decision with regard to the claim of the petitioner for compassionate appointment at the earliest within a period of 60 days from the receipt/production of a copy of this order.

4. Thereafter, the petitioner approached the respondent authorities with order dated 26.09.2019 passed in C.W.J.C. No. 19890 of 2019. Thereafter, respondent no. 5 (The District Programme Officer, Establishment, Purnea) has rejected the claim of the petitioner on the ground that the petitioner has not qualified the teacher training or eligibility test.

5. Having heard the submissions advanced on behalf of the parties, I am of the view that if the petitioner has not passed the teacher training or eligibility test he has right to be appointed on other posts i.e. 4th grade posts.



6. Considering the facts and circumstance of the case, the order dated 25.11.2019 in Memo no. 4118 (Annexure-2) is hereby set aside.

7. The concerned authority is directed to appoint the petitioner on a suitable post within two months from the date of receipt/production of a copy of this order.

8. Accordingly, the present writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2024
Transmission Date	NA

