

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7628 of 2021

Shubham Kumar Giri Son of Late Awadhesh Giri Resident of Village- Godara
Mathia, Police Station- Rivilganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary-cum- Additional Chief Secretary Education Department, Govt. 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 Govt. of Bihar, Patna.
6. The District Magistrate Saran at Chapra.
7. The District Education Officer Saran at Chapra.
8. The District Programme Officer (Establishment) Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the State : Mrs. Binita Singh, SC-28

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-07-2024 Heard learned counsel for the petitioner and learned
counsel State.

2. Learned counsel for the petitioner submits that the petitioner's father was an Assistant Teacher in Government School, Satua (Hindi), Anchal-Baniyapur, District-Saran at Chapra who died in harness on 22.10.2001. During the life period, the father of the petitioner has solemnized two marriages. From the first wife, he had no children and with the consent of the first wife, he solemnized second marriage with Arti Devi. Petitioner is the son of second wife of late Awadhesh



Giri. Learned counsel for the petitioner has relied upon a Full Bench judgment of this Court in the case of The Bihar State Electricity Board and Ors. Vs. Chandra Shekhar Paswan and Anr. since reported in 2019 (3) BLJ 347 in which it is held thus:

“ In view of the discussions made above, LPA Nos. 1305 of 2013 and 1608 of 2014 are dismissed. However, we modify the order dated 13.08.2012 passed by the learned Single Judge in CWJC No. 9329 of 2012 as under:-

The impugned circular no. 937 dated 23.06.2005 issued by the Personnel and Administrative Reforms Department, Government of Bihar, Patna stands quashed to the extent it prevents the children of the second wife from being considered for appointment on compassionate ground. The respondents in LPA No. 1305 of 2013 are directed to consider the claim of the respondent writ petitioner Chandra Shekhar Paswan for appointment on compassionate ground and issue appropriate orders as early as possible preferably within three months from the date of receipt/production of a copy of the order.”

3. Considering the facts and circumstances of the case, this writ petition is disposed of with a direction to the



petitioner to file representation before the respondent nos. 7 and 8 within a period of two weeks from today, the respondent nos. 7 and 8 shall dispose of the same after affording opportunity of personal hearing or through his counsel by passing a reasoned and a speaking order in the light of the Full Bench judgment of this Court since reported in 2019 (3) BLJ 347, in accordance with law, within a period of eight weeks, thereafter.

4. Respondent nos. 7 and 8 shall be solely liable for non-compliance of this order within the stipulated period.

5. The writ petition stands disposed of on the aforesaid terms.

(Anjani Kumar Sharan, J)

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