

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3909 of 2024

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Raghvendra Thakur Late Ramesh Thakur Ward No.-10, R/o Village and P.O.-Chandiha, Purnahiya District-Sheohar, at Present Posted at Block Teacher at Government Upgraded Middle School, Kushmari, Block-Riga, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary General Administration Department, Government of Bihar, Patna.
4. The Director, Primary Education, Education Department, Government of Bihar, Patna.
5. The District Magistrate, Sitamarhi, District-Sitamarhi.
6. The District Education Officer, Sitamarhi, District-Sitamarhi.
7. The District Programme Officer (Establishment) Education, Sitamarhi, District-Sitamarhi.
8. The Secretary, Block Teacher Employment Unit-Cum-The Block Panchayat Raj Officer, Riga, District-Sitamarhi.
9. The Block Education Officer, Block-Riga, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalit Kishore, Sr. Adv Mr. Mrityunjay Kumar, Adv
For the Respondent/s	:	Mr. Standing Counsel 16

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 13-03-2024

Heard Mr. Lalit Kishore, learned Senior Counsel for the petitioner as well as learned counsel for the State.

2. The petitioner has moved this Court for the following reliefs:-

(i) For issuance of a writ to the respondents to consider



the appointment of the petitioner against the post of Assistant Teacher on regular establishment, since the date of his initial date of appointment made vide Memo No.372, dated 19.04.2007 (Annexure-10) issued by the then Member Secretary, Block Teacher Development Officer, Riga, District-Sitamarhi, by which the petitioner has been appointed on the post of Block Teacher on compassionate ground, instead of Regular Establishment in regular pay scale as his name was recommended for being appointed on 3rd Grade Post by the District Compassionate Committee, Sitamarhi before 01.07.2006. The case of the petitioner may also be considered in terms of order/Judgment dated 03.04.2017 passed in Civil Appeal No.4776-4777 of 2017 (arising out of SLP No.31158-31159 of 2019) Mukesh and others v/s The State of Bihar and others, upon which basis the services of several similarly situated teachers have been considered as the service of regular establishment.

(ii) For issuance of writ to the respondents to pay the salary of the petitioner in the regular pay scale from initial date of appointment, with consequential benefits i.e. differences of arrears of salary etc, as other similarly situated several teachers have been provided all



the said benefits.

3. Learned counsel for the petitioner submits that the petitioners' case is squarely covered by a Judgment rendered by the learned **Division Bench dated 18.04.2018, passed in L.P.A. No.1472 of 2015 (The State of Bihar & Ors. vs. Rhituraj Sourabh and Anr.)**.

4. The father of the petitioner died in harness on 28.07.2004 while he was posted and working on the post of Assistant Teacher at Government Middle School, Akhta, Block – Suppi, District – Sitamarhi.

5. Petitioner, being legal heir of his father, was having qualification of Graduation, made/submitted an application for consideration of appointment on compassionate ground with all relevant documents and educational qualifications certificates before the authorities concerned which was forwarded before the District Compassionate Committee, Sitamarhi by the District Education Officer, Sitamarhi, vide letter No-2694, dated-13.09.2004 for kind consideration.

6. He further submits that a meeting of District Compassionate Committee was held under Chairmanships of the Collector, Sitamarhi, whereby and whereunder the name of the petitioner was recommended for appointment on 3rd Grade post of Clerk under regulator establishment in the regular pay scale by taking



decision under Proposal No.29 in the above said meeting of the District Compassionate Committee, Sitamarhi (Annexure-4).

7. The State Government framed a new Rules for employment/appointment of Panchayat and Block Teachers in the name of the Bihar Panchayat Elementary Teacher (Employment and Service Condition) Rule, 2006. Rule – 10 of the Rules 2006 provides for employment of dependents of teaching and non-teaching employees on compassionate ground.

8. After lapse of about two and half years from the date of recommendation of the name of petitioner and after came into force of the Bihar Panchayat Elementary Teachers (Appointment and Service Condition) Rule, 2006, a meeting of the District Compassionate Committee, Sitamarhi was held on 25.01.2007 and altered the proposal No.29, dated 13.12.2004 with respect to the petitioner and vide Proposal No.58/6, name of the petitioner was recommended for appointment on the post of Block Teacher on fixed remuneration.

9. As the case of the petitioner is squarely covered by the judgment rendered by the learned Division Bench dated 18.04.2018, passed in L.P.A. No.1472 of 2015, the present writ petition is disposed of in terms of the aforesaid judgment rendered by the Division Bench of this Court passed in the **Case of**



Rhituraj Saraubh & Ors. (*supra*) and the order of the Single Bench of this court dated 11.05.2018 passed in **C.W.J.C. No.8963 of 2018 (Chandra Shekhar Azad and Ors. vs. State of Bihar and Anr.)** and the respondents are directed to grant similar benefits to the petitioner within a period of eight weeks’ from the date of receipt/production of a copy of this order.

10. Accordingly, this writ application is allowed.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2024
Transmission Date	NA

