

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5222 of 2019

Indu Bhushan Mandal S/o Late Kameshwar mandal Vill.- Belwa, P.s.-
Mufassil, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The District Magistrate Katihar
3. The District Programme Officer (Establishment) Katihar
4. The District Education Officer Katihar
5. The Block Education Officer Barsoi, Distt.- Katihar
6. The Block Education Extension Officer Barsoi, Distt.- Katihar
7. The Mukhiya Gram Panchayat Raj, Kandela, Barsoi, Distt.- Katihar
8. The Panchayat Sikshak Niyojan Samittee through its Panchayat Secretary, Gram Panchayat Raj, Kandla Barsoi, Distt.- Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah
For the Respondent/s	:	Mr. Kameshwar Kumar (GP-17)
		Mr. S. K. Ranjan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 05-01-2024 1. Heard learned counsel for the parties concerned.
2. The present writ application has been filed by the petitioner for direction to the respondent-authorities for consideration of his case for compassionate appointment on the post of Panchayat Teacher at Uttkramik Middle School, Kandela, Barsaoi, Katihar. The wife of the petitioner was appointed as Panchayat Teacher and was working in the said school since 18.03.2007. She died in



harness on 14.08.2013.

3. Learned counsel for the petitioner submits that after the death of the petitioner's wife, the petitioner applied for appointment on compassionate ground on 21.10.2013 for the post of Panchayat Teacher, but the respondent-authorities have not taken any decision in this regard. Learned counsel further submits that the petitioner filed the present writ application in the year 2019 for direction to the respondent-authorities for appointment on the post of Panchayat Teacher.
4. Referring to the counter affidavit, learned counsel for the State submits that the Director, Primary Education Bihar, Patna, vide letter no. 574, dated 26.04.2018, issued direction that the appointment of dependent of deceased employee on compassionate ground on the post of untrained teacher will be invalid after 31.03.2015. Inasmuch as in paragraph-15 (ka) of the departmental notification no. 1769, dated 24.11.2014, it is stated that the appointment on the post of Panchayat Teacher were to be made of those candidates who were trained and passed out T.E.T. examination.
5. Learned counsel further submits that in view of the



Government decision, the claim of the petitioner is not tenable for appointment on the post of Panchayat Teacher. However, he produced the resolution of the State Government, bearing Memo no. 1128, dated 21.08.2020, and submits that if the petitioner is interested to be appointed as School Assistant/School Peon, he may apply as per the resolution of the State Government and if such an application is filed by the petitioner, the District Education Officer, Katihar, shall consider the same as per the aforesaid resolution, dated 21.08.2020.

6. In view of the rival submissions of the parties and taking into consideration the submissions advanced by learned counsel for the State, this writ application is disposed with liberty to the petitioner to file a representation, in light of the Government resolution, dated 21.08.2020, before the District Education Officer, Katihar.
7. It is made clear that if such a representation is filed by the petitioner, the District Education Officer, Kaithar, shall dispose the same in the light of the resolution, dated 21.08.2020, by a reasoned order and in accordance with law, within a period of three months from the receipt/production of the representation.



8. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

