

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11026 of 2019**

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1. Sunil Kumar Singh S/o Ram Sagar Singh and Late Subhadra Devi R/o Village and PO- Maheshwara Baruari, PS- Gaighat and District- Muzaffarpur.
  2. Sushant Kumar S/o Late Jai Kishore Singh @ Late Jai Kishore Sinha R/o Village and PO- Hasna, PS- Gaighat and District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
3. Principal Secretary, Department of General Administration, Government of Bihar, Old Secretariat, Patna.
4. Principal Secretary, Department of Education, New Secretariat, Government of Bihar, Patna.
5. District Compassionate Committee, Patna through its Chairman-cum-District Magistrate, Muzaffarpur.
6. District Magistrate-cum- Collector, Muzaffarpur.
7. Senior Deputy Collector, Establishment, Muzaffarpur.
8. District Employment Officer, Muzaffarpur.
9. District Education Officer, Muzaffarpur.
10. District Programme Officer, Establishment, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Amit Narayan, Adv.<br>Mr. Abhigyan Kumar,<br>Mr. Rajiv Kumar, Adv. |
| For the Respondent/s | : | None                                                                   |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

7      24-06-2024                      Learned counsel for the petitioners has filed the supplementary affidavit today in the Court.

2. Let it be kept on record.

3. Heard learned counsel for the petitioners.

4. Nobody appears on behalf of the State.

5. Considering the urgency of the case, this writ



petition is being heard on the basis of material available on record.

6. The present writ petition has been filed for the following reliefs:

- i. For issuance of writ of mandamus directing District Magistrate, Muzaffarpur to consider appointment of petitioners on compassionate on recommended regular post of Class-III in any department by following government scheme & circulars of compassionate appointment.*
- ii. For issuance of appropriate writ/s quashing Memo No. 511/Muzaffarpur dated 11.02.2019 by District Education Officer, Muzaffarpur (Annexure-12) wherein it has been decided that the petitioners are not entitled to regular pay scale.*
- iii. For any other relief or reliefs to which the petitioners may be deemed entitled, may be granted to him.*

7. Learned counsel for the petitioners submits that the petitioners and other persons were recommended for Class-III post by the District Compassionate Committee, Muzaffarpur on 22.09.2008 but, ignoring the aforesaid recommendation, the District Superintendent of Education, Muzaffarpur directed the petitioners vide letter no. 6501 and 6502 dated 25.10.2008 to



accept joining as Block Teacher, which is purely contractual post. Since their recommendations of compassionate appointment on regular post were not made, the petitioners filed C.W.J.C. No. 17953 of 2008 before this Court for regularization of their services on the post of Teacher, which was allowed. Thereafter, the State government filed L.P.A. before this Court as well as SLP before the Hon'ble Apex Court but not against the petitioners herein. Learned counsel for the petitioners further submits that against one similarly situated person, namely, Sanjay Kumar L.P.A. No.1543 of 2010 filed by the State Government was dismissed by this Court vide order dated 09.11.2015 and the case of these petitioners stand on the similar footing.

8. Considering the facts available on record as well as the submissions of the learned counsel for the petitioners, this writ petition is allowed. The respondent-authorities are directed to regularize the service of the petitioners from the initial appointment within a period of four weeks from the date of receipt/production of a copy of this order. The petitioners are also entitled to the consequential benefits.

devendra/-

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**(Anjani Kumar Sharan, J)**

