

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12367 of 2016

Kamal Nayan Son of Sri Raghunath Modi, resident of Village- Durgaasthan,
Block- Kasba, District- Purnia. At present working as Primary Teacher
Untrained in Primary School, Mushar Tola, Fulwariya, Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Personnel and Administrative Reforms Department,
Government of Bihar, Patn
3. The Deputy Secretary, Personnel and Administrative Reforms Department,
Govt. of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Deputy Director, Education Department, Government of Bihar, Patna.
6. The Regional Deputy Director of Education, Purnia Division.
7. The District Compassionate Appointment Committee through its Chairman-
cum- District Magistrate, Pur
8. The District Education Officer, Purnea.
9. The District Superintendent of Education, Purnea.
10. The Executive Office, Nagar Panchayat, Kasba, Purnea.
11. The District Programme Officer, Estd. Purnea.
12. The Block Education Officer, Kasba, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha
For the Respondent/s : Dr. A.K. Upadhyay, SC

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 23-07-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for a
direction to the respondent-authorities to appoint the
petitioner on Class-III post and/or as Assistant Teacher on
compassionate basis.
3. The facts are not disputed that mother of the petitioner



died on 09.07.2010 and the petitioner was appointed on compassionate ground in the year 2011.

4. Learned counsel for the petitioner submits that Hon'ble Supreme Court in the case of **Mukesh and Ors. vs. State of Bihar and Ors.**, reported in **2017 (5) SCC 383**, has decided the issue and has held that if the death of the employee has taken place prior to 01.07.2006 and application has been made by the dependent for appointment prior to 01.07.2006, they would be considered for appointment as Assistant Teacher and not as Niyojit Teacher.
5. Admittedly, the petitioner's appointment was after 01.07.2006, accordingly, he has no basis to claim his appointment on Class-III post and/or as Assistant Teacher.
6. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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