

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12443 of 2019

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Rakesh Ranjan Son of Late Ram Naresh Sharma, Resident of village-
Mahangupur, P.S. Janipur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. Director, Primary Education, Government of Bihar, Patna.
4. District Education Officer, Patna.
5. District Programme Officer (Establishment), Patna.
6. District Magistrate-cum-Chairman District Compassionate Committee,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Sharma, Adv.
For the Respondent/s : Mr. Madhaw Pd. Yadaw, GP-23

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*(i) For issuance of an appropriate writ for
quashing the Memo No. 1381 dated
26.10.2018 issued under the signature of
Principal Secretary, Education Department,
Government of Bihar by which the claim of
compassionate appointment of the petitioner
to the regular post of Teacher in regular pay
scale has been rejected.*

*(ii) For issuance of an appropriate writ for
commanding and directing the respondents*



to appoint the petitioner to the regular post of Teacher in regular pay scale with all consequential benefits.

3. The case of the petitioner is that he, having intermediate qualification, applied for appointment on compassionate ground as his father, namely, Ram Naresh Sharma had died in harness on 07.07.2005, while discharging his duty as Headmaster at Middle School, Karai, Naubatpur in the District of Patna. The District Compassionate Committee, Patna, on 26.02.2007 considered the case of the petitioner and recommended for his appointment on regular Class III post and in case of non-vacancy then on Class IV post. After passage of time, the District Education Officer, Patna had communicated the Municipal Commissioner, Patna for appointment of the petitioner on the post of teacher in terms of the Teachers Employment (Appointment & Service Conditions) Rules, 2006 and accordingly, vide Memo dated 14.11.2007 issued by the Municipal Commissioner, Patna Municipal Corporation, Patna, the petitioner was appointed as Nagar Teacher on consolidated amount of pay.

4. The petitioner, being aggrieved from the appointment on Prakhanda Teacher/Nagar Teacher on fixed pay, moved before this Court by filing C.W.J.C. No. 5996 of 2009,



which was finally disposed of in favour of the petitioner. The petitioner again filed a writ petition before this Court, bearing C.W.J.C. No. 11554 of 2017, which was also disposed of vide order dated 15.12.2017, with a direction to the respondents to take a final decision in the light of the decision of the Hon'ble Apex Court in the case of Mukesh & Others Vs. State of Bihar & Ors. [SLP (C) Nos. 31158-31159 of 2013]. Thereafter, petitioner filed contempt application, bearing M.J.C. No. 972 of 2018, which was also disposed of with a liberty to approach appropriate forum or court to highlight the discrimination adopted by the opposite parties in the matter of grant of compassionate appointment. Hence, this writ petition.

5. Learned counsel for the petitioner submits that the Principal Secretary of Education Department has rejected the claim of the petitioner vide memo no. 1381 dated 26.10.2018. He further submits that the petitioner's case is squarely covered by the judgment passed in CWJC No. 8963 of 2018 (Chandra Shekhar Azad & Ors. Vs. The State of Bihar & Ors.) and LPA No. 1472 of 2015 (The State of Bihar & Ors. Vs. Rituraj Saurav & Anr.).

6. Having heard learned counsel for the parties and from the perusal of the case record, I find that the Principal



Secretary, Education Department has not considered the case of the petitioner in view of the law laid down by the Hon'ble Apex Court and the judgment passed by this Court as aforesaid.

7. In view of the aforesaid discussions, I have no option but to set aside the order dated 26.10.2018 passed by the Principal Secretary, Education Department, Government of Bihar. The respondent authorities are directed to grant the regular pay scale to the petitioner. The petitioner is also entitled to consequential/monetary benefit admissible to him in accordance with law.

8. With the aforesaid observations and directions, this writ petition is allowed.

(Anjani Kumar Sharan, J)

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