

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17990 of 2019

Niraj Paswan Son of Ram Lakshman Paswan R/o Village-Musapur, P.S. Ghataho, Distt-Samastipur, presently posted as Block Teacher in Middle School Musapur, under Block-Sarairanjan in the District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director Primary Education, Education Department, Govt. of Bihar, Patna
3. The District Education Officer Samastipur
4. The District Programme Officer (Establishment) Samastipur
5. The Block Education Officer Sarairanjan, Distt Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Jha
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 09-01-2024 1. Learned counsel for the petitioner at the outset submits that the petitioner was appointed on compassionate ground after 01.07.2006 on 24.02.2015. He has filed representation before the District Programme Officer (Establishment), Samastipur for grant of regular pay scale in the light of the judgment passed by the Hon'ble Supreme Court in the case of Mukesh and Another *versus* The State of Bihar and Others reported in (2017) 5 SCC 383. Accordingly, his submission is that the authority may be directed to consider and dispose the representation of the petitioner.

2. On the other hand, learned counsel for the State



submits that recommendation for appointment of the petitioner was made after 01.07.2006 and he was appointed on compassionate ground in the year 2015 as such the judgment passed by the Hon'ble Supreme Court is not applicable in the facts of the case. However, learned counsel submits that representation of the petitioner shall be considered in accordance with law by the District Programme Officer (Establishment), Samastipur within a reasonable time frame.

3. Regard being had to the rival submissions made by the parties and the fact that representation of the petitioner is pending before the respondent no. 4 / District Programme Officer (Establishment), Samastipur, the respondent no. 4 is directed to dispose the representation of the petitioner by a reasoned order within a reasonable time frame.

4. With the aforesaid observation and direction, the application stands disposed of.

(Anil Kumar Sinha, J)

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