

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16210 of 2024

Farishta Praween Daughter of Late Saiyad Shabeer Ahmad Resident of
Village Jangipur, PO. Mohni, P.S. Sare, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Human Resources, Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar Patna.
3. The District Magistrate Sheikhpura, District Sheikhpura.
4. The Chief Executive Officer cum Secretary Teacher Employment Unit, Zila Parishad Sheikhpura.
5. The District Education Officer, Sheikhpura.
6. The District Programme Officer Est., Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena
For the Respondent/s : AC to SC-28

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-11-2024 1. Heard learned counsel for the petitioner and learned
AC to SC-28.

2. The learned counsel for the petitioner submits that the instant writ application has been filed seeking a writ of mandamus for a direction upon respondents to consider the case of the petitioner for appointment on the post of Clerk in regular pay scale, taking into consideration the fact that the father of the petitioner who died in harness was holding the post of Assistant Teacher at Utkramit Madhya Vidyalaya, Urwadi, Anchal-Barbigha, District-Sheikhpura

3. The learned counsel appearing on behalf of the State submits that it appears that the prayer made in the writ application is misconceived. It is next submitted that from perusal of



Annexure-1 to the writ application, it would manifest that the petitioner has been given compassionate appointment after the death of her father in harness on the post of *Sahayak* in the school. It is submitted that petitioner after seeking compassionate appointment on the said post became wise and now has filed the instant writ application to consider her case for appointment on the post of Clerk in a regular pay scale.

4. The learned counsel for the State next submits that a person cannot approbate and reprobate at the same time. It is also submitted that if petitioner was interested in getting appointed as a Clerk after the death of her father in harness in that event she ought not to have accepted the post of *Sahayak* in the school on which she was appointed based on compassionate appointment.

5. Considering the submissions made by the learned counsel appearing on behalf of the State, the Court is not inclined to exercise its extraordinary jurisdiction.

6. Accordingly, the instant writ application is dismissed.

(Satyavrat Verma, J)

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