

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.604 of 2024

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Pravin Kumar Jha Son of Late Binodanand Jha, resident of Gautam Nagar,
Gangjala Saharsa, Ward No. 12, Saharsa, P.S. - Saharsa, District - Saharsa.
... .. Petitioner.

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Patna.
2. The Additional Chief Secretary, Education Department, Patna.
3. The Regional Deputy Director of Education, Koshi Division, Saharsa.
4. The District Education Officer, Saharsa-cum-Chairman District Education Compassionate Committee, Saharsa.

... .. Respondents.

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Respondent/s : Mrs. Puspanjali Sharan, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-03-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. By filing the present writ application, the petitioner prays for issuance of a direction to the respondents to appoint him in regular pay scale of Rs.9300/- to Rs.34,800/- Grade Pay of Rs.4200/-, Level-6, since her mother died on 18.05.2004, in the light of the order passed in C.W.J.C. No.15626 of 2019, to appoint those persons in regular establishment in place of Niyojit Teacher whose mother or father died prior to April, 2006 and for making payment of difference of salary to the petitioner after granting pay scale of



Rs.9300 – Rs.34800, Grade Pay of Rs.4200/- and the amount paid to the petitioner as Niyojit Teacher.

3. It is the case of the petitioner that his mother, who was a Headmistress in Middle School, Jhapra Tola, Saharsa, died in harness on 18.05.2004. Thereafter, the petitioner filed an application for his appointment on compassionate ground and the Compassionate Appointment Committee, Saharsa in its meeting dated 26.12.2013 took decision to appoint the petitioner as Niyojit Teacher vide order dated 15.02.2014 and posted him in Middle School, Sulindabad Khara, Saharsa.

4. It is further case of the petitioner that he filed his representation before the authorities claiming regular pay scale in place of honorarium, which is paid to Niyojit Teacher since his appointment ought to have been made on regular post. As per the circular issued by the State of Bihar those wards whose predecessor died after April, 2006 would be appointed as Niyojit Teacher but in case of those who died prior to April, 2006, no guidelines was issued.

5. It is further case of the petitioner that similarly situated teachers, who were also appointed on compassionate ground as Niyojit Teacher has approached this Court by filing



C.W.J.C. No.15626 of 2019 and vide judgment and order dated 13.02.2020, this Court allowed the writ petition and directed the State Authorities to give benefits of regular pay scale to the petitioner of C.W.J.C. No.15626 of 2019, since their parents who were employed in Education Department, died prior to April, 2006. In the case under hand, the mother of the petitioner died on 18.05.2004 i.e. prior to April, 2006. Hence, the case of the petitioner is squarely covered by the judgment passed in C.W.J.C. No.15626 of 2019. For granting the same relief, the petitioner filed a representation before respondent no.4 on 27.07.2023 but without response. Hence, the petitioner filed this writ application.

6. Needless to state that the Bihar Litigation Policy clearly states that the State would follow the decision in similar circumstances and would not precipitate the litigation unnecessarily to burden the litigants. This Court is everyday facing these types of cases in which similarly situated persons can be granted benefit without any delay.

7. In such view of the matter, I have no option but to direct the petitioner to file a fresh detailed representation before the District Education Officer, Saharsa-cum-Chairman, District Education Compassionate Committee, Saharsa



(respondent no.4) along with all supporting judgments and documents within a period of four weeks and the respondent no.4 is well advised to consider the case of the petitioner after affording opportunity of personal hearing or through his counsel and pass a reasoned and speaking order in accordance with law within six weeks thereafter.

8. It is made clear that respondent no.4 shall be solely liable for non-compliance of this order within the stipulated period.

9. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2024
Transmission Date	NA

