

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3484 of 2024

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Mirtunjay Kumar son of Late Anutha Ram, resident of Village-Shishani, P.O.-
Shishani, P.S.-Pakri Dayal, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Primary Education), Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Education Officer, East Champaran, Motihari.
4. The District Programme Officer (Establishment), East Champaran, Motihari.
5. The Headmaster, Primary School, Sapahi, Chiraiya, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Mani Sharma
For the Respondent/s : Mr.Government Advocate 11

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. By filing the present petition under Article-226 of the Constitution of India, the petitioner seeks quashing of the order, as contained in Memo No.2563 dated 15.07.2023 (Annexure8 to the writ petition), by which the petitioner has been removed from the service and to reinstate his with all consequential benefits.

3. The petitioner was appointed on the post of Assistant Teacher in the Matric untrained scale of Rs.3050-4590/- on compassionate ground, as the father of the petitioner died in harness, with a condition that he would be granted



annual increment only after obtaining the training certificate.

4. It is submitted by the learned counsel for the petitioner that in spite of the order as contained in letter no. 2383 dated 05.12.2003, issued by the then District Superintendent of Education, East Champaran, Motihari had directed that the teachers appointed on compassionate ground would be granted the financial benefits like the general teachers, the petitioner was not granted annual increment.

5. It is submitted on behalf of the petitioner that the said fact has not been disputed by the learned counsel for the respondents that any arrangement was made by the respondent-authorities for providing training to the petitioner and other similarly situated teachers appointed on compassionate ground. It is further submitted that all of sudden vide order as contained in memo no. 2563 dated 15.07.2023 passed by the respondent no. 3, the petitioner was removed from the service with effect from the date of issuance of order.

6. After hearing learned counsel for the parties and going through the materials available on record, it is not in dispute that the teachers appointed on compassionate ground were given opportunity for training but at no point of time the petitioner was provided such opportunity for training by sending



the petitioner for training like other teachers appointed on compassionate ground. More over, the teachers who have failed in passing the training examination, were/have been granted 2nd opportunity to clear the examination. Even the teachers who failed in CET, were given three/four opportunities to clear the same but no opportunity has even been granted by the respondents to the petitioner to complete the training course by sending the petitioner for obtaining training from any training college.

7. In view of the aforesaid, the order as contained in Memo No.2563 dated 15.07.2023, issued under the signature of the District Education Officer, East Champaran (respondent no.3) cannot be sustained and is set aside and this writ petition is allowed. Respondents are directed to reinstate the petitioner in service with all consequential benefits. Respondents are also directed to pay all the arrears of salary to the petitioner from the date of his termination.

(Anjani Kumar Sharan, J)

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