

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2708 of 2024

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Kumar Aditya Son of Late Awadhesh Narain Tiwari, resident of Mohalla -
Tiwari House, Gandhi Lane, West Pachshil Nagar, East Gola Road, P.S.-
Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary Department of General Administration, Government
of Bihar, Old Secretariat, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Special Secretary, Education Department, Govt. of Bihar, Patna.
5. The Director, Primary Education Department, Govt. of Bihar, Patna.
6. The District Compassionate Appointment Committee, Patna through the
District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programmer Officer, (Establishment) Patna.
9. The Block Education Officer, Patna Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey
For the Respondent/s : Mr. Standing Counsel 13

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
Date : 27-01-2025

Re:- I.A. No.1 of 2024

2. The present I.A. No.01/2024 has been filed on behalf of
the petitioner to add the additional reliefs as mentioned in
paragraph-1 of this application.

3. Having heard learned counsel for the parties, as the
present Interlocutory Application being formal in nature, is not
opposed, and hence is allowed.



4. The Registry is directed to add the additional prayer made in paragraph 1 of the present petition to the prayer portion of the main writ petition.

5. Accordingly, I.A. No.1/2024 is hereby stands disposed of.

Re:- C.W.J.C. No.2708 of 2024

6. The present writ application has been filed for the following reliefs:-

(i) For directing the respondents to regularize the service of the petitioner as Assistant Teacher on regular pay scale, against vacant post along with all consequential monetary benefits from the date of appointment, as in terms of judgment of this Court in the case of Chandra Shekhar Azad & Ors. vs. The State of Bihar & Ors. in C.W.J.C. No.15626 of 2019, order dated 13.02.2020, as well as in terms of the departmental letter contained in Memo No.216 dated 24.02.2023, issued under the signature of Joint Secretary, Education Department, Government of Bihar, Patna as the case of the petitioner is same and identical.

(ii) For directing the respondent authority, in the case of petitioner to implement the direction of his own letter issued vide- Memo No.216 dated 24.02.2023, the said letter based on judgment dated 13.02.2010, passed in CWJC No.15626 of 2019 by this Court and grant the regular status of Assistant Teacher on regular pay scale, as similarly situated persons have given the regular status on the same ground.

(iii) For directing the respondents to allow the petitioner to continue the service as Assistant Teacher against vacant post on



regular pay scale along with all consequential benefit from the date of appointment.

(iv) For quashing the Memo No.2783 dated 24.07.2019, issued under the signature of District Education Officer, Patna by which the claim of compassionate appointment of the petitioner to the regular post of Teacher in regular pay scale has been rejected.

(v) For any other relief for which the petitioner may be found entitled to in the facts and circumstances of the case.

7. Learned counsel for the petitioner submits that the mother of the petitioner was working on the post of Assistant Teacher on regular pay scale and she died in harness on 03.03.2002. The petitioner, being his dependent made application for appointment on compassionate grounds before authorities and after consideration, the District Compassionate Committee, Patna, in its meeting dated 28.09.2007, recommended the name of the petitioner for the post of Class III. The District Magistrate-cum-Chairman of the District Compassionate Committee, Patna has issued Memo No.3637 dated 04.10.2007, in which the name of the petitioner was reflected at Serial No.25. (Annexure- P/1 of the writ application).

8. In compliance, the petitioner was appointed as a Nagar Teacher by way of office order contained in Memo No.809 dated 26.05.2008, issued under the signature of Municipal



Commissioner, Patna Municipal Corporation, Patna. Thereafter, petitioner joined in the Middle School Sheikhpura, Circle-Gardanibagh, Patna on 27.05.2008 and since then he is continuously discharging his assigned duty.

9. Petitioner made representation before the authorities dated 25.03.2019, for grant of regular pay scale along with all consequential monetary benefits, since, the similarly situated persons have been titled with the regular status of the Assistant Teacher on the regular pay scale in terms of order dated 18.04.2018, passed in **L.P.A. No.1472 of 2015 (The State of Bihar & Ors. vs. Rituraj Saurabh & Ors.)** passed by the Division Bench of this Court and pending before the authorities, petitioner filed a writ application vide C.W.J.C. No.9685 of 2019 for disposal of the same.

10. It is further submitted that the claim of the petitioner was rejected by the concerned authority on 24.07.2019 vide Memo No.2783.

11. It is further submitted that the case of the petitioner is squarely covered by the judgment passed by this Hon'ble Court in the case of **Chandra Shekhar Azad & Ors. vs. State of Bihar & Ors. passed in C.W.J.C. No.8963 of 2018**, in which reliance was place on the Division Bench judgment passed in



LPA No.1472 of 2015.

12. Having heard learned counsels for the both sides, I find that the Department concerned has not considered the case of the petitioner in accordance with the law laid down by the Apex Court and judgment passed by this Court as aforesaid.

13. In view of the aforesaid discussions, I have no option but to set aside the order contained in memo no.2783, dated 24.07.2019 passed by the District Education Officer, Patna. The respondent authorities are directed to grant the regular pay scale to the petitioner. The petitioner is also entitled for the consequential/monetary benefits admissible to him in accordance with law.

14. In the result, this writ application stands allowed and disposed of.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2025
Transmission Date	NA

