

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10412 of 2019

Annurani Kumari, D/o of late Vijay Kumar, Resident of Village and P.O.-
Sonbarsha, P.S. Karakat (Gorari), District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director Primary Education, Government of Bihar
2. The District Education Officer Rohtas at Sasaram
3. The District Programme Officer (Establishment) Rohtas at Sasaram
4. The Block Development Officer Karakat, P.S.-Karakat, District-Rohtas at Sasaram
5. Block Education Officer Karakat, P.S.-Karakat, District-Rohtas at Sasaram
6. Headmaster Middle School Chandi Anchal-Karakat, District-Rohtas at Sasaram

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy 1 (SC-13)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

7 22-09-2025 Heard the learned counsel for the petitioner and

learned counsel for the State.

2. Learned counsel for the petitioner submits that the writ petition was filed for setting aside the order, as contained in Memo No.1-281 Sasaram dated 31.01.2019 passed by the District Programme Officer Establishment, Rohtas.

3. Taking into account the order of the Director, Primary Education, as contained in Letter No.1374 dated 24.10.2018 wherein the degree obtained by the deceased employee at the time of entering into service, is said to be recognized by National Council for Teacher Education (for brevity 'NCTE').



4. This matter is said to have been adjudicated by District Teachers Employment Appellate Authority, Rohtas vide order dated 07.06.2011, in which the State-respondents are said to be opposite parties and on deliberation of the contentious issue which forms part of the present writ petition. The District Teachers Employment Appellate Authority was of the view that the degree obtained from Navbharat Shiksha Parishad, Orissa, is duly recognized by the NCTE and therefore, the said ground was no more available with the respondents, who is said to have passed the impugned order.

5. Now, since the adjudication which has already been made by the District Appellate Authority and the respondents themselves have chosen not to assail the said order before the higher forum and that order having attained finality, therefore, the impugned order dated 31.01.2019 cannot be allowed to sustain.

6. Since, the deceased employee, who is said to have been appointed pursuant to the recommendation of the selection committee constituted in this behalf and the impugned order dated 31.01.2015 had been stayed by the Co-ordinate Bench vide order dated 01.03.2015 passed in C.W.J.C. No.23556 of 2018 which was also to be maintained qua the petitioner, who is said to have died during the pendency of the writ petition on 08.10.2022 leaving behind a daughter aged about 21 years as his sole heir and



the order of the Appellate Authority having attained finality, the impugned order is unsustainable and is accordingly, set aside.

7. The respondents are accordingly directed to undertake the process of settling the death cum retiral benefits in respect of the deceased respondent and further, the claim made by the daughter of the deceased employee for compassionate appointment, shall also be examined and be considered in accordance with law. The petitioner is directed to make a representation with regard to compassionate appointment separately and as also with regard to payment of death cum retiral benefits and on submission of such application / representation with supportive materials, the respondent shall be obliged to take a final decision and benefits which accrues in favour of this petitioner shall be paid within a further period of eight weeks and her application filed for compassionate appointment will also be considered within the same time, strictly in terms of the guidelines framed by the State Government.

8. Accordingly, the writ petition is disposed off.

(Ajit Kumar, J)

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