

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12956 of 2025

Nitesh Kumar Thakur S/o Late Krishna Thakur Resident of Village-Dekha Mahua tola, P.S.-Motihari Muffasil, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-Cum-Principal Secretary, Education Department Govt. of Bihar, Patna.
2. The Direction, Primary Education, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer, East Champaran at Motihari.
5. The District Programme Officer (Establishment), East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Mujtabul Haque, Government Pleader (12)
Mr. Pranoy Kumar, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner has filed the present writ petition for the following reliefs :-

(i) For quashing the office order dated Officer, East Champaran, Motihari whereby and whereunder petitioner claim to be appointed as regular Assistant teacher in (district cadre on compassionate ground has been rejected.

(ii) For commanding the respondent to consider and appoint petitioner on the post of regular Assistant teacher in (district cadre) on compassionate basis of East Champaran, Motihari



district.

(iii) For grant any other reliefs for which petitioner is found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits by referring to the averments made in the petition that the petitioner's father died on 13.10.2003 and the District Compassionate Committee on 12.07.2007 recommended the petitioner's case for appointment as Assistant Teacher. However, the respondent, instead of appointing the petitioner as a regular Assistant Teacher, has appointed this petitioner on contractual basis as Prakhanda Teacher.

4. In this regard, he has relied upon various judgments of this Hon'ble Court and also one order passed by Hon'ble Apex Court wherein, the S.L.P. so filed before the Hon'ble Apex Court was withdrawn with liberty that the case shall be considered by the authorities keeping in view the facts and circumstances of each case and in case the petitions, which is filed before the authorities concerned, shall take a decision thereon expeditiously and this observation of the Hon'ble Apex Court has also been considered by the Hon'ble Court in various judgments of this Hon'ble Court passed in L.P.A. No. 1472 of 2015 (State of Bihar v. Rihitraj Saurabh) and further C.W.J.C.



No. 8963 of 2018 (Chandra Shekhar Azad and Others v. State of Bihar and Others).

5. From the order impugned, it is apparent that the judgments aforesaid, which deals with the issues in question appears to have not been considered by the authorities by deciding the claim of the petitioner and as such, the impugned order is set aside and accordingly, the competent authority is directed to consider the case of the petitioner in the light of the judgments rendered by this Court as aforesaid and the same is expected to be considered and decided within a period of eight weeks from today and such decisions must be communicated to the petitioner after the same is notified.

6. Accordingly, the writ petition stands disposed off.

(Ajit Kumar, J)

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