

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12526 of 2023

=====

Md. Manjar Imam Son of Late Md. Majibul Haque Resident of Village-Rahta
Ward no. 8, P.S. Udakishunganj, District-Madhepura. Presently Posted as
Assistant Teacher Middle School Chousa Block Chousa, Dist.-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Education
Department, Government of Bihar, Patna.
2. The Director, Primary Education Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The District Programme Officer, Establishment, Madhepura.
5. The Block Development Officer, Chousa, District-Madhepura.
6. The Block Education Officer, Chousa, District-Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Singh, Advocate Mr. Onkar Kumar, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 05-08-2025

Heard Mr. Alok Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Kameshwar
Kumar, learned GP-17 appearing on behalf of the State.

2. By means of this writ petition, the petitioner seeks a
direction to the respondent authorities to appoint him on Class-
III post as per the decision and recommendation made by the
District Compassionate Appointment Committee in the meeting
held on 13.12.2008 on regular pay scale.

3. It is the case of the petitioner that the petitioner's



father died in harness on 26.12.2006 when he was posted as Assistant Teacher in Primary School, Kherho, Block-Puraini, District-Madhepura.

4. The District Compassionate Appointment Committee under the Chairmanship of District Magistrate, Madhepura held a meeting on 13.12.2008, wherein, petitioner has been recommended for appointment on Class-III post on regular pay scale. The said recommendation has been enclosed as Annexure-P/2 to the writ petition.

5. The grievance of the petitioner is that despite the recommendation of the District Compassionate Appointment Committee for appointment of the petitioner as Class-III employee on regular pay scale in the meeting held on 13.12.2008, the respondent authorities have appointed the petitioner as Prakhanda Teacher on a fixed remuneration.

6. Hence, the writ petition seeking a direction to appoint the petitioner on a Class-III post of a regular pay scale.

7. Respondent No. 4 – the District Programme Officer, Establishment, Madhepura has filed a counter affidavit, wherein, it has been stated that the father of the petitioner had died in harness on 26.12.2006 while working as Assistant Teacher in Primary School, Kherho, Block-Puraini, District-



Madhepura and a recommendation has been made by the District Compassionate Appointment Committee under the Chairmanship of District Magistrate, Madhepura in a meeting held on 13.12.2008 for appointment of the petitioner on a Class-III post on regular pay scale.

8. While not denying the death of the petitioner's father in harness while working as Assistant Teacher as well as the recommendation made by the District Compassionate Appointment Committee in a meeting held on 13.12.2008 under the Chairmanship of District Magistrate, Madhepura for the appointment of the petitioner on a Class-III post on regular pay scale, in paragraph nos. 8, 9 & 10 of the counter affidavit filed by the respondent no. 4 / the District Programme Officer, Establishment, Madhepura, it has been stated as under:

“8. That on 13.12.2008 the District Compassionate appointment Committee organised a meeting under Chairmanship of the District Magistrate, Madhepura and petitioner has appointed on Class-III Post on regular pay scale.

9. That vide letter No. 282 dated 21.11.2011 issued by the Officer of Block, Chausa and petitioner has been appointed as Block Teacher in



Middle School – Chausa, District-Madhepura.

10. That according to Rule 10 of the Bihar Panchayat Teacher (Niyojan and Service Condition) Rule, 2006 and Amendment Rule 2008 there is a specific provision has been described that the dependent of teachers and non-teaching staffs shall be appointed as Panchayat Teacher/Block Teacher on the basis of Compassionate Appointment and it will be decided only on the basis of their qualification and requisite qualification. And it is also a mandatory for Compassionate appointee that they would obtained teacher training that degree within a period of 6 years.”

9. On perusal of the counter affidavit filed by the respondent No. 4 – the District Programme Officer, Establishment, Madhepura, the relevant paragraphs of which have been extracted hereinabove, it appears that the petitioner has been appointed as Prakhant Teacher/Block Teacher on a fixed honorarium on the basis of Rule 10 of the Bihar Panchayat Teacher (Niyojan and Service Conditions) Rule, 2006 and the Amendment made in the Rule in the year 2008.



10. The title of the Bihar Panchayat Teacher (Niyojan and Service Conditions) Rule, 2006, itself would indicate that the said Rule is made for the Panchayat Teachers, whereas, the petitioner's father was not a Panchayat Teacher but a Regular Assistant Teacher.

11. In that view of the matter, the Bihar Panchayat Teacher (Niyojan and Service Conditions) Rule, 2006 would not be applicable in the case of the petitioner, insofar as the appointment of the petitioner on compassionate ground on the death of his father in harness while working as Assistant Teacher, as the petitioner's father was not a Panchayat Teacher but an Assistant Teacher at the time of his death.

12. Under the circumstances, I find that no justifiable reason has been assigned in the counter affidavit filed by the respondent no. 4 to deny the petitioner's appointment on the post of Class-III on regular pay scale as recommended by the District Compassionate Appointment Committee, Madhepura in the meeting held on 13.12.2008 on account of his father having died in harness on 26.12.2006 while working as Assistant Teacher in Primary School, Kherho, Block-Puraini, District-Madhepura. On the contrary, it appears that the petitioner has been appointed as Prakhanda Teacher on fixed honorarium on the



basis of Rule that does not apply to the petitioner for his appointment on compassionate ground.

13. For the reasons stated above, this writ petition is allowed with a direction to the respondents to appoint the petitioner in a Class-III post on regular pay scale on compassionate ground in term of the recommendation made by the District Compassionate Appointment Committee, Madhepura in its meeting held on 13.12.2008 (Annexure-P/2 to the writ petition).

14. The writ petition is disposed off with the above direction.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.08.2025
Transmission Date	N/A

