

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1381 of 2024

Menka Kumari S/O Narendra Prasad Singh Resident of village Near Durga Mandir, At- Hospital Chowk chapra, P.O- Bhagwan Bazar, Chapra, saran, Bihar-841301.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Ministry of Human Resources Department, Government of India, New Delhi.
3. The Chairman, National Insititute of Open Schooling, A 24-25, Insitutional Area, Sector 62, NOIDA, Gautam Buddha Nagar, Uttar Pradesh-201309.
4. The Additional Chief Secretary Education Department, Government of Bihar, Patna.
5. The Director, Primary Education Department, Government of Bihar, Patna.
6. The Regional Director, National Institute of Open Schooling (in short NIOS), Patna. Lalit Bhawan, Ground Floor Baily Road (Jawarhar Nehru Marg), Pin -800001.
7. The District Magistrate CUM Chairman of District Compassionate Committee, Saran
8. The District Education Officer, Chapra.
9. The District Programs Officer, (Establishment), Chapra.
10. The Executive Officer Member Secretary-cum- Block Development Officer, Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Rai, Adv.
For the Respondent/s	:	Mr. Dhurjati Kr. Prasad, GP14
For the U.O.I	:	Mr. Alok Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondents.

2. The present writ petition has been filed seeking the following reliefs:

“i) To direct the Respondent No.7 to consider the case of the petitioner to be appointed in non



teaching cadre as clerk in the light of the representations filed before the concerned authority on 19.05.2023, 16.01.2023, 16.02.2023, 18.03.2023 and 13.01.2023 as her father died in harness on 01.08.2005 serving as Clerk in Avar Mandal Education Officer, Saran (South). Moreover, the petitioner has been appointed on 25.02.2015 as untrained teacher on compassionate ground.

ii) To direct the Respondent authority to consider the case of the petitioner in terms of vide Memo No. 1332 dated 19.10.2022, vide Memo No. 1344 dated 28.10.2022, vide Memo No. 225 dated 30.11.2018 and Memo No. 924 dated 30.11.2018 where Aditya Raj, S/O Late Sushil Kumar, Clerk, District:- Saran, Shri Pranay, S/O late Vinod Kumar Chaudhary, Clerk, District:- Saran, Shri Vivek Raj, S/O Late Keshav Singh, Clerk, District:- Saran, Shri Raushan Singh, S/O Late Ranjit Singh, Clerk, District:- Saran respectively have been appointed on Clerical Cadre when their fathers died in harness serving as Clerk.

iii) To direct the respondent authorities that the order vide Memo No. 978 dated 13.11.2020 issued by the Director, Primary Education, Education department, Government of Bihar, be not enforced not be made application in the case of the instant petitioner as the petitioner has not passed the D.El.Ed. Examination.

iv) For the any other relief(s) which the petition may be found entitled to by the Hon'ble Court, in the facts and circumstance of the case.”

3. Considering the facts and circumstances of the case, the petitioner is directed to file a fresh representation before the Respondent No.8 along with all supporting documents within a period of two weeks and the Respondent No.8 is well advised to consider the case of the petitioner after affording opportunity of personal hearing or through her counsel and pass a reasoned and speaking order in accordance with law



within eight weeks thereafter.

4. It is made clear that the Respondent No.8 shall be liable for non-compliance of this order within the stipulated period.

5. If the petitioner is found to be entitled to any consequential benefits, then the payment of the same shall be made to the petitioner within a period of eight weeks thereafter.

6. With the aforesaid direction, the writ application stands disposed of.

7. It is made clear that this Court has not gone to the merit of the case.

(Anjani Kumar Sharan, J)

anand/-

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