

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1803 of 2010

1. The State of Bihar and Ors. Department Of Human Resources, Government Of Bihar, Patna
2. The Director, Primary Education Human Resources, Government Of Bihar, Patna
3. The District Compassionate Appointment Committee Through Its Chairman Cum District Magistrate Jehanabad
4. The Chairman District Compassionateappointment Committee Cum District Magistrate Cum Collector, Jehanabad
5. The District Education Officer, Jehanabad
6. The District Superintendent Of Education, Jehanabad

... .. Appellants

Versus

Pawan Kumar, S/o Late Nagendra Sharma R/O Vill.- Karauta, P.S.-
Parasbigha In The District Of Jehanabad

... .. Respondent

Appearance :

For the Appellants	:	Mr. Amrendra Kumar, AC to GP-11 Mr. Nilotpal Sharma, AC to Ex GP-21
For the Respondent	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

8 17-01-2026 The instant *intra* Court appeal is directed against the order dated 08.01.2010, passed in CWJC No.14714 of 2009. The writ petitioner had prayed for the following relief/s in the writ petition:-

“I. For commanding the respondents to appoint the petitioner against the post of Group-Ga in the pay scale of Rs.3050- 4590/- in pursuance to the recommendation of the District Compassionate Appointment Committee



contained in memo no. 486 dated 24.4.08 issued under the signature of the Chairman, District compassionate appointment committee cum-District Magistrate, Jehanabad (respondent no. 4).

II. Also for any other relief/reliefs for which the petitioner is entitled in the eye of law.”

2. Learned Single Judge has made the following consideration in CWJC No.14714 of 2009 and analogous matters vide order dated 08.01.2010:-

“Discussing all relevant rules and law, finally a direction has been issued to the respondents to consider the case of the petitioners’ appointment in the light of letter no.6905 dated 17.10.2008 issued by Personnel and Administrative Reforms Department, Government of Bihar, Patna, where it has clearly been pointed out that the posts of Panchayat/Prakhand/Nagar Shikshaks are not the posts under the State Government and with respect to such posts the District Compassionate Committee cannot made any recommendation since it is beyond the jurisdiction of the District Compassionate Appointment Committee. Further direction has been issued to appoint the petitioners on the Government posts as per the recommendation of the District Compassionate Appointment Committee and allow regular pay scales of an Assistant Teacher. In such cases, where the application of the petitioners have



been returned by the District Compassionate Appointment Committee, direction has been issued to recall such applications filed by the petitioners for the compassionate appointment and make recommendation considering the qualification on any Class III or Class IV posts. A direction has also been issued in respect of such petitioners, who have no any option, have Joined on the post of Panchayat/ Prakhhand teachers on a fixed salary, to make payment of sauary in the regular scale and also to make payment of arrears of salary in the regular scale.

All these writ applications are allowed giving similar directions as mentioned above. The respondents will comply the direction of this Court in case of the petitioner as in the earlier writ applications. These writ applications were decided in the judgment passed in C.W.J.C. No. 10616 of 2009 and Analogous cases will apply in case of all similarly situated persons. As directed earlier, there should not be any undue delay in compliance of the direction of this Court, preferably the direction of this Court should be complied with within twelve weeks from the date of production/communication of this order.”

3. A counter affidavit has been filed on behalf of the writ petitioner/respondent, wherein learned counsel submits that the instant appeal may be disposed of in terms of the order dated



18.04.2018 passed by a Co-ordinate Bench of this Court in LPA No.1472 of 2015, titled as 'The State of Bihar & Ors v. Rhituraj Saraubh & Ors.' Learned counsel further submits that the said LPA was disposed of after considering the Hon'ble Supreme Court's Judgment in SLP(Civil) No.29655 of 2010 .

4. Learned counsel for the appellants/State states that he has no objection to submission made by the learned counsel for the writ petitioner/respondent, as the issue had already been settled by the Hon'ble Supreme Court.

5. It is further submitted by learned counsel for the writ petitioner/respondent that the facts and issues arising in the present Letters Patent Appeal are identical to those considered in LPA No.1472 of 2015. This position is not disputed by the learned counsel for the appellants/State.

6. Accordingly, the instant appeal stands disposed of in the same terms and the directions contained in the aforesaid order shall govern the present case as well.

(Sudhir Singh, J.)

(Ritesh Kumar, J.)

Gaurav Kumar/-

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