IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22405 of 2019

CNR No. BRHC011026782019

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Shailesh Tiwari Son of Gobind Pati Tiwari Resident of Village-Kalyanpur, Jiut Chhapar,P.S.-Kalyanpur, District-Gopalganj.

... ... Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of BIhar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of BIhar, New Secretariat, Patna.
3. The District Magistrate, Gopalganj.
4. The District Education officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT
Date : 04-11-2026

1. That the present Writ application has been filed for the following reliefs:-

> " For setting aside the order passed by respondent and communicated vide Memo No. 336 dated 07.03.2019 especially their decision referred at Serial No. 3 directing the decision will be applicable in case of those, who are parties in aforesaid case ignoring the law settled by Apex Court and the provision introduced by government dealing the covered cases

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under Provision 4C (1) of State Litigation Policy to minimize unnecessary litigation and the further prayer with regard to appropriate direction to concern authority for his conversion/ regularization in regular pay scale and provide the benefit in accordance with the law and for the other necessary relief/relief's on the basis of the facts and circumstances of the case as stated hereinafter."

2. The brief facts culled out of the Writ petition are that the mother of the petitioner died in harness while working as an Assistant Teacher in the district of Gopalganj. The petitioner applied for compassionate appointment, and his claim was recommended by the District Compassionate Appointment Committee, Gopalganj, in its meeting dated 12.07.2006. His name appeared at Serial No. 30 of the recommended list, which was forwarded to the District Superintendent of Education for necessary action. However, no appointment letter was issued to him. In the meantime, the petitioner was appointed as

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Panchayat Shiksha Mitra on 08.05.2005, and his services were absorbed as Block Teacher with effect from 01.07.2006 on contractual basis. Subsequently, in view of the judgment of the Hon'ble Supreme Court regarding compassionate appointment cases recommended before 01.07.2006, the petitioner submitted representations dated 18.06.2019 and 19.08.2019 before the District Education Officer, Gopalganj, claiming the benefit of regular appointment and regular pay scale. However, no decision was taken on his representations. The grievance of the petitioner is that the authorities have denied him the benefit merely on the ground that he was not a party before the Hon'ble Supreme Court.

3. The Learned counsel for the petitioner submits that the petitioner's claim for compassionate appointment was duly recommended prior to the cut-off date of 01.07.2006. Therefore, he is entitled to the same benefit as granted by the Hon'ble Supreme Court

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to similarly situated persons. It is further submitted by the Learned counsel for the petitioner that the authorities cannot restrict the benefit of the judgment only to those persons who were parties before the Hon'ble Supreme Court. Such restriction is contrary to the law laid down by the Hon'ble Supreme Court. Accordingly, the Learned counsel prays for a direction to the authorities to extend the consequential benefits to the petitioner.

4. A counter affidavit has been filed on behalf of the respondents. The Learned counsel for the respondents submits that although the petitioner's claim for compassionate appointment was recommended by the District Compassionate Appointment Committee on 12.07.2006, he had already been appointed as Panchayat Teacher on 08.05.2005, and his services were absorbed as Block Teacher with effect from 01.07.2006.

5. It is further submitted by the Learned counsel for the respondents that, in view of the Bihar Panchayat Primary Teacher (Employment

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and Service Conditions) Rules, 2006 and the decisions of the Full Bench of this Court in ***State of Bihar Vs. Rajeev Ranvijay reported in 2010(3) PLJR 294*** **and the Hon'ble Supreme Court in** ***Mukesh Kumar and Another Vs. State of Bihar and Others reported in 2017 (2) PLJR (SC) 263,*** the benefit of regular appointment or regular pay scale is available only to those candidates whose claims were recommended for Class III or Class IV posts before 01.07.2006. The petitioner's recommendation having been made on 12.07.2006, he is not entitled to the said benefit. It is, accordingly, submitted that the writ petition is devoid of merit and fit to be dismissed.

6. Heard the Learned counsel for the parties and perused the materials available on record.

7. Having considered the rival submissions and the materials available on record, this Court finds that the petitioner's claim for compassionate appointment was

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recommended by the District Compassionate Appointment Committee in its meeting dated 12.07.2006, i.e., after the cut-off date of 01.07.2006. Admittedly, the petitioner had already been appointed as Panchayat Teacher on 08.05.2005, and his services were absorbed as Block Teacher with effect from 01.07.2006.

8. The Full Bench of this Court in ***State of Bihar Vs. Rajeev Ranvijay (supra)*** upheld the policy of providing compassionate appointment to the dependants of deceased teaching and non-teaching employees in the post of Panchayat Teacher/Block Teacher under the relevant Rules. The said position was subsequently considered by the Hon'ble Supreme Court in ***Mukesh Kumar (supra)*** wherein it was held that candidates whose claims for appointment to Class III or Class IV posts had been recommended prior to 01.07.2006 would be entitled to regular appointment or regular pay scale, whereas those recommended after the said date would not be entitled to such benefit.

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9. In the present case, the petitioner's claim was recommended on 12.07.2006, which was beyond the cut-off date fixed by the Hon'ble Supreme Court. Therefore, the petitioner does not fall within the category of beneficiaries entitled to regular appointment or regular pay scale under the aforesaid judgment. Merely because his claim was subsequently recommended, he cannot claim the benefit of the directions issued in favour of candidates whose cases were recommended prior to 01.07.2006.

10. So far as the challenge to Memo No. 336 dated 07.03.2019 is concerned, this Court finds that the petitioner has failed to establish that the restriction contained therein has adversely affected any legal right available to him under the judgment of the Hon'ble Supreme Court. In view of the admitted date of recommendation, no case for interference with the impugned communication or for grant of regular pay scale is made out.

11. Accordingly, this Court finds no merit

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in the present writ petition and it is dismissed as devoid of merits.

12. Pending application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2026
Transmission Date	

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