

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.217 of 2011**  
**In**  
**Civil Writ Jurisdiction Case No.310 of 2010**

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1. THE STATE OF BIHAR
2. Principal Secretary, Human Resources Development Department,  
Government Of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. District Magistrate, Patna.
5. District Superintendent Of Education, Patna.

... .. Appellant/s

Versus

SANJIT KUMAR S/O Late Banke Paswan Resident Of Village B.N. Pahari,  
Police Station Rahui, District Nalanda.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rajeshwar Singh GA-10.  
For the Respondent/s : None.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 29-01-2021**

Heard learned counsel for the parties.

Aggrieved by judgment and order dated 28.01.2010  
passed in CWJC No. 310 of 2010, passed by learned Single  
Judge of this Hon'ble Court allowing the writ petition, State of  
Bihar, has preferred this L.P.A.

Briefly stated, the facts of the case is that writ  
petitioner's father was posted as Assistant Teacher, who died in  
harness on 11.09.2006 and the case of writ petitioner for



compassionate appointment was considered by the District Compassionate Appointment Committee on 25.01.2008, which recommended appointment of petitioner in the pay scale of Rs. 4500-7000/- and pursuant to said recommendation of Committee writ petitioner was appointed as Prakhanda Shikshak on 20.06.2008.

There was no post vacant of Grade-III and Grade-IV post as Education Department had notified Teachers Appointment Rules-2006 which came into effect from 01.07.2006 and Regular Teachers Appointment Rules was repealed.

Writ petitioner filed writ petition being CWJC No. 310 of 2010 for his appointment on the post of Assistant Teacher in regular pay scale as he was recommended by the District Compassionate Committee against Class-III post, which was allowed by the learned Single Judge along with other analogous cases by order dated 28.01.2010 and directed the authorities of Education Department for appointment of petitioner on regular post in regular pay scale as recommended by District Compassionate Committee.

The entitlement of petitioner as well as other similarly placed candidates for compassionate appointment on regular



pay scale or fixed pay scale was finally decided by the Apex Court in the case of **Mukesh Kumar & Anr Vs. State of Bihar & Ors (Civil Appeal Nos. 4773-4779 of 2017 and its analogous cases)**, relevant portion whereof reads as follows:-

“For the foregoing reasons, we direct that the Appellants who were recommended for appointment to Class-III or Class-IV posts prior to 01.07.2006 will either be appointed on Class-III or Class-IV posts on regular basis or will be entitled for continuance as Teachers on a regular pay scale. The other Appellants who were appointed after 01.07.2006 will not be entitled for the relief of regular pay scales. However, we grant them liberty to approach the State Government for suitable relief in terms of the order passed in SLP (C) NO. 29655 of 2010.”

The present LPA is disposed of in terms of the judgment and order dated 03.04.2017 passed by the Apex Court in the case of Mukesh Kumar (supra).

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

ranjan/-

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

