
(2013) 05 PAT CK 0051
In the Patna High Court
Case No : CWJC No. 5619 of 2013

Md. Firoz Akhtar	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Citation : (2013) 3 PLJR 539

Hon'ble Judges : Samarendra Pratap Singh, J

Bench : Single Bench

Advocate : Alim Jang Khan, for the Appellant; K.P. Gupta and Anwar Karim, for the Respondent

Final Decision : Disposed Off

Judgement

Samarendra Pratap Singh, J.—Heard learned counsel for the petitioner and the State. The mother of the petitioner late Ashma Khatoon died-in-harness while serving as an Assistant Teacher in Primary School, Sandalpur, Anchal-Mahendra in the district of Patna on 16.12.2012.

2. The District Compassionate Appointment Committee recommended the case of the petitioner for appointment on Class-III post to Regional Deputy Director of Education, Patna and District Superintendent of Education, Patna. The name of the petitioner figured at serial No. 31 of Memo No. 1862 dated 29.9.2004.

3. The petitioner submits that instead of issuing appointment letters in terms of the recommendation made by the District Compassionate Appointment Committee, the respondents are asking him to join either as a Panchayat or Block Teacher, which is not a Government post. The petitioner submits that his mother was employed in regular establishment of the Government and as such he is entitled to be considered for appointment in regular establishment under Class-III post.

4. Counsel for the State submits that this Court by order dated 11.5.2010 passed in L.P.A. No. 321 of 2010 in similar circumstances has observed that an applicant

desirous of appointment on compassionate basis cannot insist for any particular category of post. The matter was carried to the Hon''ble Apex Court vide Special Leave to Appeal (Civil) No. 29655 of 2010. The said appeal was disposed of on 26.11.2012 with liberty to the petitioners to approach the authorities, who would consider the matter keeping in view the facts and circumstances of each case.

5. The issue involved in this case more or less is similar to the case, which was disposed of by the Hon''ble Apex Court. This writ application is too disposed of in terms of direction of the Hon''ble Apex Court. The District Education Officer, Patna would act accordingly within a period of four months from the date of receipt of a copy of this order. With the aforesaid observation, this application is disposed of.