

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11713 of 2015

1. Sri Shatrughan Thakur and Ors sonof Sri Ram Charitra Thakur, Mohalla- Gandhi Nagar, P.O.- Laxmi Sagar, P.S.- Sadar, District- Darbhanga
2. Sri Satya Narayan Jha, son of Late Krishna Ballav Jha, a resident of Mohalla- Sadhugachhi, Laxmi Sagar Tand West, P.S.- Sadar, District- Darbhanga
3. Sri Nitya Nand Pandey son of Late Ram Charite Pandey, R/o Workers Colony, Saraswati Bihar, Laxmi Sagar, P.S. Sadar, District- Darbhanga
4. Sri Shyamashish Mishra son of Late Bhavichhan Mishra, R/O Village P.O.- Kamtaul, P.S.- Kamtaul, District- Darbhanga
5. Ram Chandra Jha son of Late Ram Sagar Jha, a R/O Mohalla- Shastri Nagar, Co-operative Colony, P.O.- Laxmi Sagar, Darbhanga
6. Dr. Ghanshyam Kharga son of late Kishori Kharga, a R/o Sundarpur Kharga Toli, P.O.- Lal Bagh, P.S.- Lal Bagh, District- Darbhanga
7. Sri Mukul Pathak son of Late Sukh Deo Narayan Pathak, a R/O Mishra Tola, P.S.- Lal Bagh, District- Darbhanga
8. Sri Bhuneshwar Yadav son of Late Pktamber Yadav, a R/o village- Kushiya, P.S.- Baheri, District- Darbhanga
9. Sri Dinesh Prasad Singh son of Late Jai Narayan Singh, Mohalla- K.S. Colony, Rahamganj, P.S.- Lal Bagh, District- Darbhanga
10. Sushila Chaudhary son of Late Sri Kant Chaudhary, Ram Bagh Campus, P.O.- K.S.D.S., P.S.- University, District- Darbhanga
11. Dwarika Prasad son of Late Laxmi Prasad a R/o Village- Pandaul Bazar, P.O.- Pandaul, P.S.- Pandaul, District- Madhubani
12. Shivratna Nayak son of Late Jiwachh Nayak, R/O Village- Dilawarpur, P.S.- Bahadurpur, District- Darbhanga
13. Bhog Nath Jha son of Late Laxmi Nath Jha, a R/O Matri Sadan Diwavan Takiya, Kathlbari, P.S.- Lalbagh, District- Darbhanga
14. Sri Ram Narayan Thakur son of Yogendra Thakur, a R/o village- Hanuman Nagar, P.O. P.S.- Simri, District- Darbhanga
15. Ram Niranjana Thakur son of Late Kedar Nath Thakur, a R/o Hanuman Nagar, P.O.- Kaushi Simri, P.S.- Sindhvara, District- Darbhanga
16. Jawahar Lal Prasad son of Late Nagendra Prasad Village P.O.- Kamtaul, P.S.- Kamtaul, District- Darbhanga
17. Ram Balak Thakur son of Dakkan Thakur, Village- Dhodiya, P.s.- Kamtaul, District- Darbhanga
18. Gopi Chandra Malhotra son of Topal Das Malhotra, Mohalla- Belwaganj, P.S.- Laheriasarai, District- Darbhanga
19. Dr. Lalan Thakur son of Sri Rameswar Thakur, Mohalla- Mukhiajee Pokhar north, P.S.- Nagar, Laxmi Sagar, District- Darbhanga
20. Smt. Geeta Kumari Srivastava wife of Sri Kanhaiya Prasad Verma, R/o Mirzapur, P.O. Lalabgh, District- Darbhanga



21. Renu Kumari D/o Late Kamal Kant Chaudhary, Mohalla- Mirzapur, P.S.- Sadar, District- Darbhanga
22. Sri Mohan Jha son of Late Ram Chandra Jha a R/O Shaikchak Colony, Gandhi Nagar, District- Darbhanga
23. Meera Chaudhary W/o Dr. Raj Kishore Choudhary, a R/o Ayachi Nagar, P.O.- D.M.C.H. Campus, P.S.- Laheraisarai, District- Darbhanga
24. Veena Kumari Jha W/o Dr. R.N. Jha, MRM Girls High School, Lalbagh, Darbhanga, A R/O Gangasagar Dighi, West, P.o.- Lalbagh, Police Station and District- Darbhanga
25. Rita Thakur W/o Gauri Kant Thakur, Raj Kumar Ganj, Lal Bagh, P.S.- Town, District- Darbhanga
26. Veena Kumari Mishra Wife of Suresh Kumar Thakur, Marwari High School, Darbhanga Raj Kumarganj, Lalbagh, District- Darbhanga
27. Hem Chandra Mishra son of Late Shiv Narayan Mishra, Hanumanganj, Mishra, Tola, Lalbagh, Darbhanga
28. Nagendra Nath Thakur, son of Late Ambika Thakur R/O Mishra Tola, Lal Bagh, District- Darbhanga
29. Kailash Thakur S/o Bindsari Prasad Thakur R/O Mishra Tola, Lal Bagh, District- Darbhanga
30. Jagadish Rai, Late Hari Hari Prasad Rai, New Professor Colony, Dighi West, Lalbagh, District- Darbhanga
31. Rabindra Nath Thakur S/o Dwarika Prasad Thakur R/O Safullaganj, Station Road Darbhanga, District- Darbhanga
32. Baldeo Prasad Bimal, son of Sri Khushi Lal Prasad, R/o Mohalla- Dwarikapuri, Dilawarpur, P.O.- Milkichak, District- Darbhanga
33. Mahendra Narayan Yadav, son of Sri Yashodhar Yadav, Village P.O.- Tarwara, P.S.- Ghanshyampur, District- Darbhanga
34. Sundar Jha son of Late Uma Kant Jha, R/o Village- Rampur Udai, P.O.- Putai, District- Darbhanga
35. Satya Narayan Sahu, S/o Late Sundar Sahu R/o Village- Dilawarpur, P.O.- Milkichak, District- Darbhanga
36. Braj Narayan Gupta R/o Village P.O.- Laukha, District- Madhubani
37. Haridwar Prasad Khandelwar son of Late Raghunandan Prasad Khandelwal R/o Mohalla- Shamsherganj, P.O. Lalbagh, District- Darbhanga
38. Amod Mishra son of late Nathuni Mishra R/o Village P.O.- Brahmpura, P.S.- Manigachhi, District- Darbhanga
39. Saiyad Md. Fasiul Rahman Son of Vasiur Rahman, village- Baniya, P.O.- Afzal, District- Darbhanga
40. Phuleshwar Jha son of Late Gauri Shankar Jha R/o Mohalla- Dharampur, P.O.- Laxmi Sagar, District- Darbhanga
41. Hari Shankar Mishra son of Late Hhavesneshwar Mishra Village P.o.- Dhoi, P.S.- Sadar, District- Darbhanga
42. Md. Gulam Rasool son of Sheikh Md. Wasit, Village- Basurow, P.O.-



Khafiyana, P.S. Bahera, District- Darbhanga

43. Sitaram Jha son of Late Harinandan Jha, R/o Village- Bharatpur, P.O.- Chhatwan, P.S.- Raiyan, District- Darbhanga
44. Sri Gopal Mishra son of Late Paribhod Mishra, Nepali Tank, Sahganj, Bela, District- Darbhanga
45. Ali Imam Haider son of Late Ali Raza Hussain village- Vasuham, P.O. P.S.- Bahera, District- Darbhanga
46. Surendra Pandey son of Late Vishnudeo Pandey, Village P.O.- Madhopatti, District- Darbhanga
47. Chandra Bhushan Sharma son of Late Ram Nandan Sharma, M.- Lalgabh, P.S.- Darbhanga, District- Darbhanga
48. Ramdeo Tiwari son of Shivdari Tiwari, Village P.O.- Manikchowk, District- Darbhanga
49. Ganesh Prasad Sahu 'Sitaram' son of Late Dhodhai Sahu, vilage P.O.- Mahinam, P.S.- Benipur, District- Darbhanga
50. Nirambar Yadav son of Late Kanaushi Yadav, Village P.O.- Saho, P.S.- Bahera, District- Darbhanga
51. Braj Narayan Jha sonof Late Jatadhar Jha, R/o Indira Ke Alpatti, P.S.- Laheriasarai, District- Darbhanga
52. Abdul Ahad son of Late Md. Kasim, P.O.- Lalbagh, District- Darbhanga
53. Ashok Kumar Thakur, son of Late Yogendra Thakur, Mohalla- Mogalpur, Lalbagh, District- Darbhanga
54. BImal Chandra Pal, son of Late Suresh Chandra Pal, Raj Kumar Ganj, MOhalla- Lalbagh, District- Darbhanga
55. Ramashish Rai son of Late Poddar Rai, Village P.O.- Mishrolia, P.S.- Babubarahi, District- Madhubani
56. Nirmala Devi W/o Late Daya Krishan Jha Village- Mahtor Oat, P.O.- Mahadeo Math, District- Madhubani
57. Shambhu Nath Jha son of Late Tej Narayan Jha, village- Kanhaul, P.O.- Jhanjharpur, District- Madhubani
58. Jai Prakash Kanhaujia son of Chandrika Das Kanhaujia, Village- Bingama, P.S. Mohanpur Patori, District- Samastipur
59. Shiv Kant Sah son of Ram Swaroop Sah Village- Susari, P.O.- Bithauli, District- Darbhanga
60. Salalullah son of Late Md. Issa, Village P.O.- Mehsol, P.S. Runnisaipur, District- Sitamarhi
61. Kulaland Jha son of Late Udit Narayan Jha, R/o Gandhi Koshi, Pradeshik High School, Rashiyari, District- Darbhanga
62. Md. Illias son of Md. Jahid Hussain, R/o B.S.H.S., Basopatti, District- Madhubani
63. Ram Pravesh Bhagat son of Late Kusheswar Bhagat Thawi High School Braampur, District- Darbhanga
64. Anil Kumar Chaudhary son of late Divash Chaudhary Village- Pachkola,



Raghi, P.S.- Jale, Darbhanga

65. Gajendra Thakur son of Late Ramdeo Thakur, Village P.O. Lakhanpur, District- Muzaffarpur
66. Amar Nath Chaudhary son of Late Ram Avtar Chaudhary Makaranpur, P.O.- Ramauli, District- Darbhanga
67. Shashi Bhushan Chaudhary son of Late Raghunandan Chaudhary a R/O Makaranpur, P.O. Ramauli, District- Darbhanga
68. Krishna Chandra Jha son of Late Hjateswar Jha Village P.O.- Hanumannagar, P.S.- Lohat District- Madhubani
69. Dev Narayan Yadav son of Late Darshan Yadav village Postapur, P.O.- Pindaruchh, P.S.- Keoti, District- Darbhanga
70. Nagendra Jha son of Late Sri Narayan Jha R/o Sajhuar, P.S.- Bahera, District- Darbhanga
71. Chaudhary Shambhu Nath Roy son of Late Choudhary Yogendra Roy a R/O Village P.O.- Batho, P.S.- Bahera, District- Darbhanga
72. Phool Kant Mishra 'Saroj' son of Late Satya Narayan Mishra R/o Village- Daiwi Tola, P.S.- Manigachhi, District- Darbhanga
73. Abdul Razique son of Late Abdul Jabbar, R/o Village P.O.- Kanour, Pindaruch, District- Darbhanga
74. Viveka Nand Jha son of Late Surendra Jha, R/o Kathalbari, P.S. Sadar, District- Darbhanga
75. Ram Lakhan Mahaseth son of Late Dukhi Mahaseth, R/o Mohalla- Urdu Bazar, P.O.- Lalbagh, District- Darbhanga
76. Sita Ram Mahato son of Ram Prasad Mahto a R/o Mohalla- Narayanpur, P.S.- Sakri, District- Darbhanga
77. Raghubir Yadav son of Late Anup Yadav, R/o Village P.O.- Sara Mohanpur, District- Darbhanga
78. Satya Narayan Roy son of Late Jagdeo Roy At and P.O.- Lakshmi Sagar, District- Darbhanga
79. Purandar Mishra son of Late Mahanand Mishra R/O Village- Tumauli, P.O.- Putai, District- Darbhanga
80. Jay Prakash Chaudhary son of Late Ganesh Chaudhary, R/o Village- Korthu, P.O. Korthu, District- Darbhanga
81. Md. Mustaque Ahmad R/o Village P.O.- Loan, District- Darbhanga
82. Md. Aslam son of Md. Idris, R/o Village P.O.- Siso, District- Darbhanga
83. Kapildeo Mahto Son of Late Mohan Mahto, Village- Parmesra, P.O.- Rupouli, District- Madhubani
84. Md. Aslam son of Late Md. Manzoor Ahmad, R/o Mohalla P.O.- Kathalbari, District- Darbhanga
85. Krishna Mohan Chaudhary son of Late Deranand Chaudhary, At P.O.- Benipur, P.S.- Sadar, District- Darbhanga
86. Kashi Nath Jha son of Upendra Narayan Jha R/o Village- Mahthor, P.S.- Putai, District- Darbhanga



87. Indra Mohan Jha son of Late Laxmi Narayan Jha, R/o Village P.O.- Amethi, District- Darbhanga
88. Gyaneswar Jha son of Late Baleswar Jha, Village P.O.- Madhopur, Pindaruchh, District- Darbhanga
89. Pramod Kumar Jha son of Late Badri Jha, Village P.O. P.S.- Singheswar Astha, District- Darbhanga
90. Sindhu Kumari W/o Shrish Kumar Jaiswal R/o Mohalla- Gangasagar West, District- Darbhanga
91. Sukhdeo Mandal son of Late Bhola Mandal, R/o Village P.O.- Belha, Ghoghardiha, District- Madhubani
92. Santosh Kumar Jha son of Late Jagannath Jha Village P.O. P.S.- Ghoghardiha, District- Madhubani
93. Deo Chandra Jha son of Late Jaideo Jha, Village P.O.- Gonaun, P.S.- Ghanshyampur, District- Darbhanga
94. Baidyanath Jha son of Late Uttimbar Jha Village P.O.- Baradaha, Andharathari, District- Madhubani
95. Dinesh Prasad Sahu, son of Late Kedar Nath Sahu, R/o Mohalla- Sahelaganj, P.O.- Lalbagh, District- Darbhanga
96. Samundra Kumar Manjhi, son of Late Raghunath Manjhi R/o Village P.O.- Chaturbhuz Pipra, P.S.- Laukaha, District- Madhubani
97. Ram Babu Yadav son of Late Khushi Lal Yadav R/o Rasalpur Khurd, Krishnapuri, District- Darbhanga
98. Ram Chandra Thakur son of Ram Kripal Thakur R/o Mohalla- Indira Colony, P.O.- D.M.C.H., District- Darbhanga
99. Jai Krishna Kamat son of Late Khattar Kamat, At- Gorgama, P.S.- Phulparas, District- Madhubani
100. Rajeshwar Yadav son of Late Boubelal Yadav R/o Village- Saharawa, P.O. P.S.- Laukaha, District- Madhubani
101. Brij Mohan Mishra son of Ramdeo Mishra At and P.O.- Maraitha, District- Darbhanga
102. Md. Sadullah Shand son of Md. Hasima R/o Village- Sahbajpur, P.O.- Karharia, District- Darbhanga
103. Sri Surendra Jha son of Sri Kant Jha, R/o Village- Madhopur Shisho, District- Darbhanga
104. Mahendra Narayan Yadav, son of Late Budhan Yadav, Mohalla- Mirzapur, P.O. Lalbagh, P.S.- Sadar, District- Darbhanga
105. Vijay Chandra Chaudhary son of Late Baikunth Chaudhary Village- Chahuta Tole Anandpur, P.O.- Ahiyari, Kamtaul, District- Madhubani
106. Md. Kamrul Hoda son of Late Aatur Rahman R/o Chakrahamat, P.O.- Lalbagh, District- Darbhanga
107. Sohaib Ahmad Khan son of Late Md. Yusuf Khan R/o Village P.O.- Kothia, Pindaruch, P.S.- Kamtaul, District- Darbhanga
108. Md. Akhlakh Hussain. son of Late Md. Ishaqe, Mohalla- Imambari, P.O.-



- . Laheriasarai, District- Darbhanga
- 109 Md. Kamre Alam son of Late Badre Alam, MOhalla- Chakarhamat, P.O.
. Lalbagh, District- Darbhanga
- 110 Md. Sahabuddin son of Md. Amiruddin, Village P.O.- Doghara, P.S.- Jale,
. District- Darbhanga
111. Surya Narayan Jha son of Late Baldeo Jha, Village P.O.- Basauli, P.S.-
Bahera, District- Darbhanga
- 112 Mahesh Kant Yadav son of Parmeswar Yadav, Village- Kopi Trimuhani,
. P.S.- Bahera, District- Darbhanga
- 113 Jagannath Jha son of Late Jamuna Prasad Jha R/o Mohalla- Raj Kumar Ganj
. Lalbagh, P.S.- Sadar, District- Darbhanga
- 114 Lalita Devi wife of Sri Shiv Kumar Jha, R/o Laheraiganj, P.S.- Town,
. District- Madhubani
- 115 Sri Sudhir Kumar son of Late Babu Nandan Jha Adarsh Nagar Colony, P.S.-
. Town, District- Madhubani

... .. Petitioner/s

Versus

1. State Of Bihar through the Principal Secretary, Department of Education,
Old Secretariat, Patna
2. The Principal Secretary, Department of Education, Old Secretariat, Patna
3. The Director, Secondary Education, Old Secretariat, Patna
4. The Regional Deputy Director Education , Darbhanga
5. The District Education Officer, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sri Niwas Jha
For the Respondent/s : Mr.Sc1- M.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-12-2022 The present writ petition has been filed
seeking the following reliefs:-

“1(i). That by issuance of a writ in the
nature of mandamus or any other writ,
order or direction commanding the
respondents to grant promotion to the
petitioner in Super Selection Grade



pursuant to State Government decision issued vide Finance Department Resolution no. 6022 dated 18.12.1989 w.e.f due dates.

(ii) It may further be directed to grant /sanction the benefits arising on account of promotion to super selection grade viz. re-fixation of salary and other retirement benefits as well as to pay the differential amount to the petitioners.

(iii) By issue of a writ of Certiorari the orders contained in Memo No. 2096 dated 4.3.2014 and letter no.1566 dated 8.12.14 issued by the respondent no. 223 and letter no. C. 16 dated 16.3.15 issued by the respondent no.4 be quashed to the extent it is baneful to the rights /claims flowing from Resolution no. 6022 dated 18.12.1989.

The learned counsel appearing for the Respondent-State has submitted that as per Resolution dated 18.12.89 of the Finance Department, benefit of selection grade in the revised scale of pay was to be extended to teachers in accordance with the availability of posts and as per the procedures and conditions



prescribed by the Central Government, with effect from 1.1.1986 and the number of posts in the selection scale was restricted to 20% of the number of posts in senior grade of the respective cadre. The said resolution of the Finance Department also provides for grant of senior scale on completion of 12 years of service in basic grade, subject to fulfillment of other conditions. Accordingly, for the first time, 20% selection scale posts were created in between 1.4.86 to 1.1.1992. Thereafter, vide Department's letter dated 10.1.2007, division-wise posts of 20% selection scale were created in between 1993 to 2005. It has also been submitted that those teachers, who were within the zone of being granted selection scale as per their seniority in the divisional level gradation list, subject to the restriction of 20% posts, were granted selection scale and rest of them were not granted the same. It is also submitted that the aforesaid Resolution of the Finance Department dated 18.12.89 was modified vide Finance Department's letter dated 4.3.2014, wherein it was



postulated that those teachers, who have completed 24 years of service and have got the selection grade, would be entitled to promotion in the super selection grade, however, the said circular was made effective from the date of issuance of the same i.e. 4.3.2014, but since most of the petitioners have stood retired before the coming into force of the aforesaid letter of the Finance Department dated 4.3.2014, apart from the fact that the petitioners do not fulfil the criteria prescribed in the said letter dated 4.3.2014, the petitioners are not entitled to the benefits as per the said letter dated 4.3.2014. In such view of the matter, it is submitted that the present writ petition is bereft of any merit, hence, is fit to be dismissed.

Having regard to the submissions made by the learned counsel appearing for the Respondent-State, I do not find any merit in the present writ petition, hence, the same stands dismissed, however, liberty is granted to the petitioners to agitate their subsisting grievances, before the



Respondent authorities.

(Mohit Kumar Shah, J)

Ajay/-

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