

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4755 of 2019

1. Sanjeev Kumar Singh S/o- Sita Ram Singh R/O- Village and P.O- Basaon, Police station- Basantpur, Dist- Siwan, Presently residing at Village- Sadipur, Police Station- Goreyakothi, Dist- Siwan, At Present posted and working as an Assistant Teacher in Govt. Middle School Supauli, Block- Panchrukhi, District- Siwan
2. Hazrat Ali(M) S/o- Late Kayamuddin Ansari R/o- Village- Sarangpur, P.O- Tarwara, P.S.- Tarwara, Dist -Siwan, Present posted and working as an Assistant Teacher in Govt. Middle School Choumukha, Block- Panchrukhi, District- Siwan
3. Kamlesh Kumar S/O- Late RajBallabh R/O- Village- Ushari, P.O- Tarwara, P.S.- Tarwara, dist- Siwan. Present posted and working as an Assistant Teacher in Govt. Middle School Sahlaur, Block- Panchrukhi, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Education Department, Government of Bihar, Patna
3. The Director Education Department, Government of Bihar, patna
4. The Regional Deputy Director of Education Saran Division, Chapra
5. The District Education Officer, Siwan.
6. The District Education Officer- Cum- the Chairman of District Teachers promotion Committee Siwan
7. The District Programme Officer(Establishment) Siwan
8. The District Programme Officer(Establishment) -Cum- The Member Secretary of District Teachers- Promotion Committee, Siwan
9. The Block Education Officer Panchrukhi, Dist- Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Smt. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 11-03-2024 Heard learned counsel for the petitioners and

learned counsel for the State.

2. The present writ application has been filed for

the following reliefs :-



I. *For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to promote the petitioners in Graduate Trained Pay Scale, as the petitioners have remained in Matric Trained Pay Scale for more than eight years of his service and as per Bihar Elementary Teacher Promotion Rule, 2011, the petitioners are entitled for Graduate Trained Pay Scale without any further delay.*

II. *For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the Graduate Trained Pay Scale to the petitioners as they have made an application before the respondent authorities concerned for consideration for their promotion in Graduate Trained Pay Scale as they are entitled for the same and as Sahitya Alankar from Deoghar Vidyapith is recognized degree equivalent to Graduation up-to 2012 and subsequently extended upto 2016, and as the petitioners have passed Sahitya Alankar from Deoghar Vidyapith in the year 1994, 1996 and 1999 respectively and the petitioners are post graduate also and as per the decision rendered on 27.01.2016 in L.P.A. No. 11/2014 (Dr. Amresh Thakur vs. The State of Bihar and Others), they are entitled for promotion in Graduate Trained Pay Scale.*

III. *For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned as alternative to consider the case and provide the same and similar benefits of Graduate Trained Pay Scale as similarly situated other teachers have been provided the same benefits on the basis of the degree of Sahitya Alankar from Deoghar Vidyapith and hence*



under the Bihar State Litigation Policy, 2011 4(C), the petitioners are entitled for same and similar benefits of Graduate Trained Pay Scale.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners will be found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that the petitioners' case is fully covered by the judgment passed by this Court in C.W.J.C. No. 15610 of 2018.

4. The State has no objection.

5. Considering the aforesaid facts, since the case of the petitioners stand on similar footing to that of the petitioners of C.W.J.C. No. 15610 of 2018, no useful purpose would be served in keeping this writ petition pending.

6. Accordingly, the petitioners are directed to file a detailed representation along with a copy of the order passed in the C.W.J.C. Nos. 15610 of 2018 and L.P.A. No. 43 of 2016, before the respondent nos.5 and 6 within a period of eight weeks. The respondent nos. 5 and 6 are directed to dispose of the representation of the petitioner by a reasoned and speaking order within eight weeks from the date of filing of such representation.

7. The respondent nos.5 and 6 is directed to ensure



compliance of this order and if the representation of the petitioners is not considered within the stipulated period, the respondent nos.5 and 6 shall be personally held responsible for non-complying the order of this Court.

9. With the aforesaid directions, this writ application is hereby disposed off.

(Anjani Kumar Sharan, J)

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