

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17364 of 2024

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1. Shankar Paswan Son of Late Ganga Paswan Resident of village - Nayagaon, Police Station - Kesariya, District - East Champaran (Motihari). At present posted and working as Panchayat Teacher in Govt. Primary School Khap Gopalpur, Anchal - Kesariya, District East Champaran (Motihari).
 2. Sushila Kumari Daughter of Late Ramdhari Ram Resident of village - Khapgopal Pur, Post Office - Nayagaon, Police Station - Kesariya, District East Champaran (Motihari). At present posted and working as Panchayat Teacher in Govt. Primary School Khapgopal Pur, Anchal- Kesariya, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, East Champaran at Motihari.
4. The District Programme Officer (Establishment), East Champaran at Motihari.
5. The Block Education Officer, Kesariya, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Advocate General

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents/State.

2. Writ petition has been filed for following reliefs:-

“1. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider and promote the petitioners in graduate trained grade in the light of Rule 16 (ii) of the Bihar Panchayat Elementary School Service Rule, 2020, the petitioners who have completed 12 years



satisfactory service and are possessing all the requisite qualification as they have also passed efficient test/Teacher Eligibility Test, they are entitled for their promotion in graduate grade after completion of 12 years of service / from the date of their entitlement along with all consequential benefits.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioners sympathetically and grant the Graduate Trained Scale from the date of their entitlement, 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 up-to 2016, they are entitled for promotion in Graduate Trained Scale.

III. For issuance of an appropriate as an alternative prayer of the petitioners for direction to the respondent authorities concerned to dispose of the representation of the petitioners sent to the District Education Officer, East Champaran, Motihari, the District Programme Officer (Establishment). Motihari and the Block Education Officer, Kesariya, East Champaran, Motihari through registered post dated 06.09.2024, by which, they have requested for providing graduate grade of graduate trained to the petitioners in the light of the rule 16 (ii) of the Bihar Panchayat Elementary School Service Rule, 2020.

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



case of the petitioners is fully covered by an order of Division Bench of this Court passed on 18.07.2019 in **C.W.J.C. No. 5129 of 2009** (*Sanjay Kumar v. The State of Bihar & Ors.*) and other analogous cases. In this regard, petitioners have also filed a representation before the District Education Officer, Motihari, District Programme Officer, Motihari and the Block Education Officer, Kesariya, Motihari on 06.09.2024 (Annexure – P8 series). Accordingly, he requests for disposal of the writ petition with direction to the concerned respondents to dispose of the representation in the light of order of this Court passed in **Sanjay Kumar's case (supra)** and pay all consequential benefits to the petitioners.

4. In view of limited prayer made on behalf of petitioners, the writ petition stands disposed of directing the concerned respondents to examine the case of the petitioners in the light of order of the Division Bench of this Court in **Sanjay Kumar's case (supra)** and pass appropriate order on the representation which is said to have been filed on 06.09.2024 in accordance with law preferably within a period of eight weeks from today. If the case of petitioners is found similar to the petitioners of aforesaid case, all consequential benefits shall be extended to the petitioners also.



5. With above observation and direction, the writ
petition stands disposed of.

(Prabhat Kumar Singh, J)

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