

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.773 of 2024

1. Jay Prakash Yadav Son of Late Mahendra Prasad Yadav Resident of Village- Barmasiya, P.O.- Shyambazar, P.S.- Bausi, District- Banka Presently Posted as Teacher in Primary School, Ratansar, Bausi, District- Banka.
2. Ashok Kumar Poddar Son of Late Janardan Poddar, Resident of Village- Gorgama, P.O.- Gorgama, P.S.- Bausi, District- Banka Presently Posted as Teacher in Primary Middle School, Itahri (Kanya), Bausi.
3. Sachindra Mohan Baski Son of Late Babua Baski Resident of village and P.O. Shyambazar, P.S.- Bausi, District- Banka Presently Posted Middle as Teacher in Uchya Madhyamik School, Dumariya, Bausi.
4. Vinod Marandi Son of Late Saul Marandi Resident of Village- Dumardiha, P.O.- Bhelwa, P.S.- Katoria (Suiya), District- Banka Presently midde Posted as Teacher in Madhyamik School, Leelavaran, Bausi.
5. Vijay Kumar Das son of Late Chhotan Das Resident of Village and P.O.- Rajaun, P.S.- Rajaun, District- Banka Presently Posted as Teacher in Primary School, Durgasthan, Banka.
6. Shiv Lal Sorain Son of Late Rangi Lal Sorain Resident of Village- Rajapokhar, P.O.- Sukiya Badain, P.S.- Bausi, District- Banka Presently Posted as Teacher in Adarsh Middle School, Sobhapathar (Shyambazar), Bausi, District-Banka.
7. Ravindra Nath Mishra Son of Late Nityanand Mishra Resident of Village and P.O. Kudro, P.S.- Bausi, District- Banka Retired as Teacher from Middle School Kudro Mijapur, Bausi.
8. Urvashi Devi D/o Late Tapeswar Mahto Resident of Village- Bangvariya, P.O.- Shyambazar, P.S.- Bausi, District- Banka retired Teacher from Primary School, Barapaghar, Bausi, Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary- cum-Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education (RDDE), Bhagalpur.
4. The District Education Officer, Banka.
5. The District Programme Officer (Establishment), Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the State : Mr.Rakesh Ranjan, A.C. to G.P.22

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL JUDGMENT

Date : 22-03-2024

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

“(i) For issuance of appropriate order/orders, direction/directions, writ/writs specially in the nature of mandamus, commanding and directing the respondents concerned specially, the Respondent no.4 to consider the claim of petitioners for grant of promoting them to Graduate Trained scale as well as post of Headmaster since when similarly situated teacher, a junior to them have been extended in view of Full Bench judgment passed in C.W.J.C. No.3828/2015 and another analogous case disposed of vide order dated 22.08.2019 passed by this Hon’ble Court, reported in 2019 (3) P.L.J.R. page-1291 as well as consequential order issued vide Memo no.380 dated 17.4.2023 from the level of Respondent State as also in view of Office order bearing memo no.1211 dated 13.4.2023 issued from the level of respondent no.4 as claim of petitioners are fully covered by office order issued by the Respondent no.4 as all the petitioners have passed the Sahitya Alankar Degree from Deoghar Vidyapeeth prior to 7.5.2012 which is equivalent of Graduation degree, but the claim of petitioners were not earlier



considered due to dispute regarding the validity of the degree of Sahitya Alankar which is now res-integra in view of Government policy decision itself.

(ii). For payment of consequential monetary benefits accrued to the petitioners as differences of salary in view of grant of promotion in Graduate Trained Scale as well as on the post of Headmasters.

(iii). And/or any other order/orders for granting any other relief/reliefs for which the petitioners are found entitled, to in the facts and circumstances of this case.”

3. At the very outset, learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the respondent authorities for redressal of his grievance.

4. Liberty, so sought, is granted.

5. The petitioners are directed to file a fresh representation before the respondent no.4 along with all supporting documents in support of their claim within a period of three weeks and the respondent no.4 is well advised to consider the case of the petitioners after affording opportunity of personal hearing or his counsel and pass a reasoned and speaking order in accordance with law within eight weeks thereafter.

6. It is made clear that respondent no.4 shall be held liable



for non-compliance of this order within the stipulated period.

7. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2024
Transmission Date	NA

