

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6227 of 2018

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Ram Barai Singh son of Late Harak Singh, resident of Village- Supauli, Police Station- Pachrukhi, District- Siwan. At present posted and working as Incharge Headmaster, Govt. Upgraded Middle School Itawa, Block- Pachrukhi, 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 Education Officer, Siwan.
6. The District Programme Officer Establishment, Siwan.
7. The Block Education Officer, Pachrukhi, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr. S.C. Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

8 15-12-2025 Heard learned counsel for the petitioner and learned counsel appearing for respondents-State.

2. With the consent of the parties, the present writ application is being disposed of at this stage itself.

3. In the present writ application the petitioner has prayed for the grant of 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 petitioner in Graduate Trained Pay Scale, as the petitioner has remained in Matric Trained Pay Scale



for more than eight years of his service and as per Bihar Elementary Teacher Promotion Rule 2011, the petitioner is 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 petitioner as he has made an application before the respondent authorities concerned for consideration for his promotion in Graduate Trained Pay Scale as he is entitled for the same and as Sahitya Alankar from Deoghar Vidyapith is recognized degree equivalent to Graduation up-to 2012 and as the petitioner has passed Sahitya Alankar from Deoghar Vidyapith in the year 1995 itself and hence, he is 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 petitioner is 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 petitioner will be found entitled in the facts and circumstances of the case.”

4. After advancing some argument, learned counsel for the petitioner submits that for seeking the aforesaid relief the petitioner is prepared to file a representation before the District Education Officer, Siwan (respondent no.5), and further prays that if such a representation is filed appropriate direction may kindly be issued to the District Education Officer, Siwan (respondent no.5) to dispose of the representation of the petitioner within a fixed time frame, after giving an opportunity of hearing to the petitioner.

5. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel for the State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application



is disposed of granting liberty to the petitioner to file a detailed representation before the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Siwan within one month from today, and if such a representation is filed, the District Education Officer, Siwan is directed to dispose of the same within six months from the date of filing of the representation after giving an opportunity of hearing to the petitioner. It is made clear that while disposing of the representation filed by the petitioner, the District Education Officer, Siwan shall take notice of the judgment of this Court 12.09.2022 passed in CWJC No.15610 of 2018 in the case of Raghvendra Sharma & Ors. vs. The State of Bihar & Ors. and another judgment dated 18.07.2019 passed in CWJC No.16183 of 2012 (Raj Ranjan & Ors. vs. The State of Bihar & Ors.), which has been brought on record by way of Annexure-9. Needless to emphasize that the final order which shall be passed by the District Education Officer, Siwan should be a reasoned and speaking order. If District Education Officer, Siwan finds the petitioner entitled to the relief, which the petitioner would be claiming in the representation, the same should be extended to the petitioner within a further period of three months from the date of passing of the final order.



7. With the aforesaid observation and direction and liberty as granted, the present writ application stands disposed of. Pending I.As, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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