

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1627 of 2025

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1. Jitendra Kumar Son of Late Devendra Prasad Singh, Resident of Village-Bishunpur Taraura, Police Station- Mahua, District- Vaishali. At present working as Assistant Teacher at G.M.S. Nijhama, Mahua, Vaishali.
 2. Manoj Kumar, Son of Late Ram Naresh Thakur, Resident of Village-Malpur, Police Station- Patepur, District- Vaishali. At present working as Assistant Teacher at U.M.S Kadilpur, Mahua, Vaishali.
 3. Ramesh Kumar, Son of Late Bilas Prasad Yadav, Resident of Village-Bishunpur Indu, Police Station- Sarai District- Vaishali. At present working as Assistant Teacher at U.M.S Sabbalpur Terasia Raghobpur, Vaishali.
 4. Meena Kumari, Wife of Late Ashok Ray, Resident of Village- Nilkanthpur Police Station- Mahua, District- Vaishali. At present working as Assistant Teacher at G.P.S Parai, Mahua, Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Vaishali at Hazipur.
4. The District Programme Officer (Establishment), Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate.
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2025 1. Heard learned counsel for the petitioners and learned AC to AAG-9.

2. The learned counsel appearing on behalf of the petitioners submits that the petitioners prior to filing the instant writ application seeking redressal of their grievance had approached the District Programme Officer (Establishment), Vaishali by filing a representation dated 26.12.2024 (Annexure-



P/8) for redressal of their grievance but then the representation of the petitioners was not considered, thus the petitioners had no option but to approach this Court. It is next submitted that the instant writ application has been filed, seeking a direction upon the authorities to consider the grievance of the petitioners and grant them trained pay scale after completion of three years of regular service from the date of appointment or from 01.10.2003, whichever is later, with all consequential benefits for which they are legally entitled to, as the respondents have not sent the petitioners for in service teachers training within three years of their appointment. It is next submitted that petitioners no.1, 2, 3 and 4 were appointed as Assistant Teachers on compassionate ground on 03.05.2003, 08.10.2001, 01.11.2002 and 14.06.2000 respectively. It is further submitted that petitioners were not sent for teachers training, after their appointment despite petitioners making request for the same. It is further submitted that petitioners were sent for teachers training in the Session 2006-07 and after completing their teachers training, the petitioners were given the Matric Trained Scale of Pay with effect from February, 2008. It is next submitted that since the petitioners after their appointment were not sent for teachers training within a reasonable period of time,



as such, their Matric Trained Scale of Pay could not be granted in time. It is next submitted that similarly situated Assistant Teachers like the petitioners had moved before this Court seeking similar relief, as raised in the instant writ application by filing C.W.J.C. No.14553/2023 (Dilip Kumar Sinha & Others Vs. the State of Bihar and Others) (Annexure-P/5).

3. It is submitted that C.W.J.C. No.14553/2023 was disposed of by an order dated 20.04.2024, directing the petitioners of the said writ application to file a representation before the District Programme Officer (Establishment), Vaishali seeking redressal of their grievance. It is next submitted that petitioners of C.W.J.C. No.14553/2023, in compliance of the order dated 20.04.2024, submitted their representation before the District Programme Officer (Establishment), Vaishali and their representation was considered and relief was granted. It is submitted that since the relief was granted to the petitioners of C.W.J.C. No.14553/2023, as such, the petitioners, who belonged to the same district, also submitted their representation before the District Programme Officer (Establishment), Vaishali, as recorded hereinabove, but then their representation was not decided, necessitating filing of the instant writ application. It is further submitted that C.W.J.C. No.14553/2023 was disposed of



in terms of the order dated 11.04.2018 in C.W.J.C. No.7322/2017 (Abdus Samad Vs. the State of Bihar and Others).

4. The learned counsel for the petitioners submits that petitioners would be satisfied in the event if the writ application is disposed of with a direction to the District Programme Officer (Establishment), Vaishali to consider and dispose of the representation of the petitioners dated 26.12.2024 (Annexure-P/8), on which, the learned counsel appearing on behalf of the State submits that the representation filed by the petitioners may not be located in the office of the District Programme Officer (Establishment), Vaishali, as such, the petitioners be directed to submit a fresh representation, annexing all the relevant documents, on which, the learned counsel appearing on behalf of the petitioners submits that petitioners would file a fresh representation before the District Programme Officer (Establishment), Vaishali on or before 01.09.2025.

5. At this stage, the learned counsel appearing on behalf of the State submits that a counter affidavit has been filed on behalf of the respondent no.4, wherein it has been pleaded that the petitioners have been given Matric Trained Scale of Pay from the date they passed their teachers training examination i.e.



from 2008. It is thus submitted that the grievance of the petitioners stands redressed, on which, the learned counsel for the petitioners submits that no doubt, the petitioners have been granted the Matric Trained Scale of Pay with effect from February, 2008 but then the petitioners are claiming Matric Trained Scale of Pay from 01.10.2003 or upon completion of 3 years from the date of their appointment, in terms of the order of this Court in C.W.J.C. No.7322/2017.

6. The learned counsel for the petitioners further submits that since the petitioners had represented and in the event if the authority was satisfied that the grievance of the petitioners stands redressed, in that event, the District Programme Officer (Establishment), Vaishali ought to have rejected the representation of the petitioners but then the same was not done, which amply demonstrates that the authorities found themselves bound by the order of this Court.

7. After hearing the learned counsel for the parties and without going into the merits of the case, the writ application is disposed of with a liberty to the petitioners to file a fresh representation on or before 01.09.2025 before the District Programme Officer (Establishment), Vaishali, annexing all the relevant documents, seeking redressal of their grievance. In the



event if any representation is filed by the petitioners before the District Programme Officer (Establishment), Vaishali on or before 01.09.2025, in that event, the District Programme Officer (Establishment), Vaishali shall consider and dispose of the same, in accordance with law, after giving proper opportunity of hearing to the petitioners, if required, within a period of three months thereafter.

8. It goes without saying that if the representation of the petitioners is considered favourably, in that event, all consequential benefits shall follow.

9. It is further made clear that in the event if the District Programme Officer (Establishment), Vaishali is of the view that the representation is required to be considered by a superior authority, in that event, he will forward the representation of the petitioners to the authority competent, if required.

(Satyavrat Verma, J)

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