

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1774 of 2025

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Jang Bahadur Prasad Ram Son of Late Sito Das, Resident of village - South of Marar, Post Office- Marar, Ward No.- 07, P.S. - Marar, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Director Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Khagaria, District Khagaria.
5. The District Programme Officer (Establishment), Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sweta Raj, Advocate
For the Respondent/s : Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-02-2025 Heard Ms. Sweta Raj, learned counsel appearing on behalf of the petitioner and learned Standing Counsel (25) appearing on behalf of the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“a) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities for fixation of salary of the petitioner in the trained graduate pay scale in view of the provision contained in Rule 22(A) (i) (ii) (iii) and (iv) of the fundamentals rules which inter alia on promoted, the salary payable on the date of promotion would be fixed and thereafter pay fixation would be done after giving benefits of additional one increment of the existing pay scale and to pay arrears of salary of



the petitioner after aforesaid fixation from the date when they have been granted trained graduate pay scale by the respondent authorities.
b) To further direct the respondent authorities as per promotion rule go grant promotion on the post of Headmaster to the petitioner and their consequential benefits.
c) For issuance of any other appropriate writ, order, direction for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is aggrieved by the inaction of the District Education Officer, Khagaria and the District Programme Officer (Establishment), Khagaria, who have not acted in accordance with the Full Bench decision of this Court in case of **Ramashanker Patel & Ors. vs. The State of Bihar & Ors.** passed in CWJC No.11255 of 2016 vide order dated 22.08.2019, pursuant to which the Education Department issued Memo No.380 dated 17.04.2023. The petitioner seeks to file a detailed representation before the Director, Primary Education, Bihar for redressal of his grievances, as prayed for in the present writ petition.

4. Considering the submission made on behalf of the petitioner, the Director, Primary Education, Bihar is directed to call the District Education Officer, Khagaria and the District Programme Officer (Establishment), Khagaria alongwith the service particulars and the required documents relating to the



petitioner, who had already filed his representation before the District Education Officer, Khagaria and the District Programme Officer (Establishment), Khagaria on 18.05.2023 and thereafter take conscious decision and direct the authority responsible for taking measure for granting graduate trained pay scale to the petitioner, in accordance with law and the guidelines as laid down in case of **Ramashanker Patel (Supra)**, expeditiously.

5. In case of inaction on the part of the District Education Officer, Khagaria and the District Programme Officer (Establishment), Khagaria in not furnishing the required documents or testimonials relating to the petitioner, within one week from the communication of this order, the petitioner may take action against them, in accordance with law.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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