

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3192 of 2025

Subodh Kumar Ojha Son of Late Narmada Prasad ojha, Resident of Mohalla-Mourya Vihar Colony, Transport Nagar, Kumhrar, B.H. Colony, Police Station- Agam Kuan, District- Patna. At present posted and working as an Assistant Teacher in Govt. Kanya Middle School Lohiya Nagar Anchal-Mahendru, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-cum- the Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger Division, Munger.
5. The District Education Officer, Jamui.
6. The District Education Officer-cum- the Chairman of District Teachers Promotion Committee, Jamui.
7. The District Programme Officer (Establishment), Jamui.
8. The District Programme Officer, (Establishment)-cum- the Member Secretary of District Teachers Promotion Committee, Jamui.
9. The Regional Deputy Director of Education, Patna Division, Patna.
10. The District Education Officer, Patna.
11. The District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Jamui.
12. The District Programme Officer (Establishment), Patna.
13. The District Programme Officer, (Establishment)-cum-the Member Secretary of District Teachers Promotion Committee, Jamui.
14. The District Treasury Officer, Patna.
15. The District Accounts Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Government Advocate (13)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.



2. This writ petition has been filed for seeking following reliefs:

“(I) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider and promote the petitioner in Graduate Trained Pay Scale (Arts) and in the scale of Headmaster from the due date of his entitlement with all consequential benefits, as the petitioner has remained in Matric Trained Pay Scale for more than eight years of his service and as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993, the petitioner is entitled for Graduate Trained Pay Scale and subsequently after five years in the scale of Headmaster without any further delay as also in the light of decision of Division Bench of this Hon'ble High Court in C.W.J.C. No. 16183/2012 (Raj Ranjan and Others vs. the State of Bihar and Others) on 18.07.2019.

(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 petitioner for grant of Graduate Trained Pay Scale (Arts) and the scale of Headmaster from the due date of his entitlement along with consequential benefits to the petitioner, as he has made a request before the respondent authorities concerned for consideration for his promotion in Graduate Trained Pay Scale and in the scale of Headmaster, as he is 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, and as petitioner has passed Sahitya Alankar from Hindi Vidyapith, Deoghar in the year 2001 having the qualification of post-graduation from recognized university and hence, he is entitled for promotion in Graduate Trained Pay Scale and in the scale of Headmaster, as the degree of Sahitya Alankar of the petitioner is of prior to 2012 or 2016 and similarly situated several teachers even juniors have been promoted in the scale of graduate trained pay and in the scale of Headmaster but the petitioner has been



deprived till date.

(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 (Arts) and the scale of Headmaster with all consequential benefit 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) (i), the petitioner is entitled for same and similar benefits of Graduate Trained Pay Scale and in the scale of Headmaster from the due date of their entitlement along with all consequential benefits.

(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 petitioner submits that the petitioner has already filed a detailed representation before the Respondent nos. 10 and 12, but till date no order has been passed by the concerned authority. Learned counsel for the petitioner further submits that the petitioner's case is squarely covered by the order passed by a co-ordinate Bench of this Court in C.W.J.C. No. 15610 of 2018 dated 12.09.2022.

4. Considering the aforesaid facts, since the case of the petitioner stand on similar footing to that of the petitioners of C.W.J.C. No. 15610 of 2018, there is no requirement to keep pending the present writ application.

5. Considering the fact that petitioner's case is



squarely covered by the order passed in C.W.J.C. No. 15610 of 2018, the petitioner is directed to file a fresh representation along with a copy of the order passed in C.W.J.C. No. 15610 of 2018 before the Respondent nos. 10 and 12 within four weeks and the Respondent nos. 10 and 12 would pass a reasoned and speaking order in accordance with law within one month thereafter, considering the order passed in C.W.J.C. No.15610 of 2018, after personally hearing the learned counsel for the petitioner.

6. It is made clear that the Respondent nos.10 and 12 shall be personally responsible for non-compliance of this order within the stipulated period.

7. Accordingly, this writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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