

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1762 of 2025

1. Birendra Kumar Singh S/o Ranjeet Prasad Singh, R/o- At and PO- Nawada Bazar, P.S.- Rajaun, District- Banka, presently posted as Assistant Teacher, Upgraded Middle School, Sakahra, P.S.- Rajoun, District- Banka.
2. Gopal Jee Bharti S/o Janardan Prasad Singh, R/o- Warisabad, P.S.- Shambhuganj, District- Banka, presently posted in Upgraded Middle School, Lalbamore, P.S.- Shambhuganj, District- Banka.
3. Md. Rehan Akthar @ Raihan Akhter S/o Abdul Kadus, R/o- Village- Rabbidih, P.O.- Sripathar, P.S.- Dhoraiya, District- Banka, presently posted in Upgraded Middle School Baijnathpur, P.S.- Dhoraiya, District- Banka.
4. Ranjan Kumar S/o- Jay Prakash Yadav, R/o- Kharowa, P.O.- Rata, P.S.- Belhar, District- Banka, presently posted in Upgraded Middle School, Takkipur, P.S.- Fullidumar, Dist.- Banka.
5. Md. Tanweer Ashraf S/o Tayab Ali Ansari, R/o- Village- Kathaun, P.O.- Katoria, P.S.- Katoria, District- Banka, presently posted in Upgraded Middle School Hetththlangaw, P.S.- Katoria, District- Banka.
6. Kumod Kumar Choudhary S/o Rajendra Kumar Choudhary, R/o- Village- Makeshar, P.O.- Sripathar, P.S.- Dhoraiya, District- Banka, presently posted in Upgraded Middle School Laugain, P.S.- Dhoraiya, District- Banka.
7. Rakesh Kumar Rai S/o Uttam Prasad Yadav, R/o- At and P.O.- Badlachak, P.S.- Fullidumar, District- Banka, presently posted at Upgraded Middle School, Fullidumar, P.S.- Fullidumar, District- Banka.
8. Raj Kumar Raman S/o Bindeshwari Prasad Singh, R/o- At and PO- Nawada Bazar, P.S.- Rajaun, Dist.- Banka, presently posted at Upgraded Middle School, Durgapur, P.S.- Rajoun, District- Banka.
9. Bipin Bihari Das S/o Nageshwar Das, R/o- At and P.O.- Kendwar, P.S.- Fullidumar, District- Banka, presently posted in Upgraded Middle School, Nagardih, P.S.- Fullidumar, Dist.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Deptt. of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur.
4. The District Education Officer, Banka.
5. The District Program Officer (Establishment), Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv. Mr. Avanindra Kumar Jha, Adv. Mr. Ram Naresh Jha, Adv. Mr. Bishwash Vijeta, Adv.
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For the Respondent/s : Ms. Vartika K. Kashyap, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2025 Heard Mr. Purushottam Kumar Jha, learned Advocate
for the petitioner and Ms. Vartika K. Kashyap, learned Advocate
for the State.

2. The petitioners were duly appointed as Assistant Teachers (Untrained) on compassionate ground, and later on they completed training and presently they are working as Trained Graduate Teachers in different schools. They have approached this Court seeking a direction upon the respondent, specially respondent nos. 4 and 5 to grant promotion on the post of Headmaster alongwith other consequential benefits as have been granted to other identically situated teachers in the District of Banka vide Memo No. 2747 dated 07.10.2024, taking into account the order of this Court passed in C.W.J.C. No. 14845 of 2024.

3. Learned Advocate for the petitioners taking this Court through the Annexure P2 submitted that various persons junior to the petitioners were accorded the relief as sought for in the writ petition in the light of the order dated 26.09.2024 passed in C.W.J.C. No. 14845 of 2024, the copy of which is marked as Annexure P/1, however, in case of the petitioners,



discrimination has been caused. It is vehemently contended that the State has completely forgotten their own policy decision which has been incorporated through the Bihar State Litigation Policy, 2011, specially clause 4(C)(1) which mandates that identically situated persons should also be accorded the relief, if their grievances/claim are also identical and covered under the order passed by this Court in relation to those identical persons.

4. Learned Advocate for the State referring to the counter affidavit has submitted that the respondent no. 5 has clarified that no juniors to the petitioners have been accorded promotion to the post of Headmaster and, as such, the claim of the petitioners are quite distinguishable with those of the petitioners of C.W.J.C. No. 14845 of 2024. The aforesaid fact has been refuted by learned Advocate for the petitioner after taking this Court through the Annexure 2 read with the statement made in paragraph no. 4.

5. Be that as it may, considering the submissions advanced and noticing the fact that the petitioners are seeking parity with those of the petitioners of C.W.J.C. No. 14845 of 2024, this Court deems it fit and proper to dispose off the present writ petition with a direction to the respondent nos. 4 and 5 to consider the claim of the petitioners in the light of the memo no.



2747 dated 07.10.2024 issued in pursuant to the order of this Court in C.W.J.C. No. 14845 of 2024 preferably within a period of twelve weeks from the date of receipt/production of a copy of this order. It is made clear that if any of the juniors to the petitioner has been accorded the relief as sought for in the writ petition or case of the petitioner is found identical and covered with the afore-referred decision, similar relief must be accorded to those petitioners keeping in mind the Bihar State Litigation Policy, 2011.

6. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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