

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10871 of 2015

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Chandra Shekhar Poddar S/o Late Bal Gobind Poddar, R/o Village Kalakutir
Batraha, Wad No. 25, P.O. P.S. District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Bihar, Patna.
2. Principal Secretary, Human Resources, Bihar, Patna.
3. Director Primary Education, Bihar, Patna.
4. Collector, Sharsa.
5. Deputy Development Commissioner, Saharsa.
6. Regional Deputy Director of Education, Kosi Division, Saharsa.
7. District Education Officer, Saharsa.
8. District Programme Officer Estb Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mallika Mazumdar, Adv
For the Respondent/s : Mr. Satyadeo Kumar- Sc5

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

9 07-11-2025 Heard learned counsel for the petitioner and learned
counsel for the respondent-State.

2. This writ application has been filed for grant of
trained graduate scale to the petitioner as per gradation list
which as per the petitioner was to be issued on 01.01.1986 for
considering the case of promotion of all the eligible teachers in
B.A. trained scale.

3. Learned counsel for the petitioner submits that the
relief claimed by the petitioner in the present writ application is
squarely covered by two judgments of this Court. The 1st
judgment being dated 09.09.2011 passed in CWJC No. 3456 of



2007 in the case of Swarnlata Sinha vs The State of Bihar & Ors which has been brought on record by way of Annexure-2 to the writ application and the 2nd judgment being Ram Nath Prasad Singh & Ors vs The State of Bihar & Ors, reported in 2009 (3) PLJR 384. Learned counsel for the petitioner submits that the petitioner is prepared to file a representation before the concerned authority i.e. the Director, Primary Education, Bihar, Patna (respondent no. 3) relying upon these two judgments of this Court and prays for a direction to be issued to the Director, Primary Education, Bihar, Patna (respondent no. 3) to dispose of the representation filed by the petitioner on merit within a fixed time frame after giving an opportunity of hearing to the petitioner.

4. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for respondent-State does not have any objection.

5. 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 Director, Primary Education, Bihar, Patna (respondent no. 3) and in the said representation, the petitioner will state all the details relying upon the two



judgments referred above. This representation must be filed within a period of one month from today and upon receipt of the representation, the Director, Primary Education, Bihar, Patna (respondent no. 3) is directed to dispose of the same on merit within a period of three months from the date of receipt of the representation after giving an opportunity of hearing to the petitioner, by passing a reasoned and speaking order. It is specifically made clear that while deciding the representation, the Director, Primary Education, Bihar, Patna (respondent no. 3) will take into account the above referred two judgments of the High Courts and accordingly decide the matter. In case, the petitioner is entitled to the relief then the same should be granted to the petitioner within a period of two months from the date the final order is passed by respondent no. 3.

6. With the aforesaid observation/direction and liberty granted, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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