

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6586 of 2025

1. Manishanker Prasad Son of Chandra Shekhar Prasad, Resident of village and P.O.- Auria, P.S.- Barahat, District- Banka presently posted and working as Teacher in Upgraded Middle School, Makhanpur, Barahat, District- Banka.
2. Rajesh Kumar Bhagat, Son of Bidyanand Bhagat, Resident of village and P.O.- Khesar, P.S.- Belhar, District- Banka, presently posted and working as Teacher in Upgraded Middle School, Geratkar, Fulli Dumar, District- Banka.
3. Chandra Paswan, Son of Jagdish Paswan, Resident of village Khagra, P.O.- Khesar, P.S.- Belhar, District- Banka, presently posted and working as Teacher in Upgraded Middle School, Khagra, Fulli Dumar, District- Banka.
4. Sanjiv Kumar, Son of Bhuweneshwar Prasad Singh, Resident of village- Bagroiya, P.O.- Makaita, P.S. Dhankund, District- Banka, presently posted and working as Teacher in Upgraded Middle School, Bhatuachak, Dhoraiya, District- Banka.
5. Shashidhar Pandit, Son of Late Narayan Pandit, Resident of village- Kashidih, P.O.- Beldiha, P.S.- Belhar, District- Banka, presently posted and working as Teacher in Upgraded Middle School, Bishanpur, Belhar, District- Banka.
6. Shankar Mandal, Son of Late Bhuwaneshwar Mandal, Resident of village and P.O.- Barahat, P.S.- Barahat, District- Banka, presently posted and working as Teacher in Upgraded Middle School, Chihar (Girl) Urdu, Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education (RDDE), Bhagalpur.
4. The District Education Officer, Banka.
5. The District Programme Officer (Establishment), Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the Respondent/s	:	Mr.Vivek Prasad, GP 7
		Mr.Sanjay Kumar, AC to GP 7

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2	22-04-2025	Heard Mr. Pramod Mishra, learned counsel appearing
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on behalf of the petitioners and Mr. Vivek Prasad, learned GP 7
alogn with Mr. Sanjay Kumar, learned AC to GP 7 for the State.

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

“I). For issuance of appropriate order/orders, direction/directions, writ/writs specially in the nature of mandamus, commanding and directing the respondents concerned specially, the respondent no.4 to consider the claim of petitioners to grant of promotion of Graduate Trained Scale as well as post of Headmaster since when similarly situated teacher and juniors to them have been extended the same benefits, in view of Full Bench judgment passed in CWJC No.3828 of 2015 and another analogous case disposed of vide order dated 22.08.2019 passed by this Hon’ble Court reported in 2019 (3) PJR Page 1291 as well as consequential order issued vide Memo No.380 dated 17.04.2023 from the level of respondent state as also in view of offence order bearing Memo No.1211 dated 13.4.2023 issued from the level of respondent no.4 as claim of petitioners are fully covered by office order issued by the respondent n.4 because all the petitioners have passed the Sahitya Alankar Degree from Deoghar Vidyapeeth prior to 7.5.2012 which is equivalent to Graduation degree, but the claim of petitioners were not earlier considered due to dispute regarding the validity of the degree of Sahitya Alankar which is now *res integra* in view of Government Policy decision itself and as such petitioners are entitled for said promotional pay scale.

II). For payment of consequential monetary benefits accrued to the petitioners as differences of salary in view of grant of said promotion in Graduate Trained Scale as well as on the post of Headmasters.

III) And/or any other order/orders for



granting any other relief/reliefs for which the petitioners are found entitled, to in the facts and circumstances of this case.”

3. Learned counsel appearing on behalf of the petitioners informs that the grievance of the petitioners can be redressed in the light of the Full Bench judgment passed in ***CWJC No.11255 of 2016 (Ramashankar Patel & Ors vs. The State of Bihar & Ors.*** and other analogous cases reported in ***(2019) 3 PLJR 1291*** considering the fact that the petitioners were appointed as Assistant Teachers, who have obtained Sahitya Alankar Degree from Deoghar Vidyapeeth, which is equivalent to B.A. degree with the rider that it should be with English. Petitioners fulfil the said condition and as such, their case has to be considered in the light of Full Bench decision of this Court passed in **Ramashankar Patel** and other analogous cases (Supra).

4. In view of the above submissions made on behalf of the petitioners, the petitioners, if so advised, may file a detailed representation before the District Education Officer, Banka (Respondent No.4).

5. The District Education Officer, Banka, who heads the District Promotion Committee, must place the matter of the petitioners in the meeting of the District Promotion Committee



forthwith to grant benefits, as has been granted to the similarly situated other teachers of the State, who are having degree of Sahitya Alankar from Deoghar Vidyapeeth.

6. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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