

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11300 of 2025

1. Vikash Kumar son of Vijay Kumar Jha, resident of South of Law College, Ward No.-10, P.O. and P.S.-Arariya, District-Arariya, at present posted as Exclusive Teacher in NP School at Kawaiya, Mahadalit Tola, Block-Sikti, Arariya.
2. Dilip Kumar Yadav, son of Sunder Lal Yadav, resident of Village-Karahbari, P.O.-Bhojpur, P.S.-Bardaha Block Sikti, District-Araria, at present posted as Exclusive Teacher in Middle School Benga, Block-Sikti, Arariya.
3. Heerendra Kumar Mishra @ Heerendra, Son of Rudranand Mishra, Resident of At-Mishra Bandhu Niwas Ward No. 1 Pategna, P.O.-Pategna, P.S.-Tarabari, Block and District-Araria. at present posted as Exclusive Teacher Primary School Tola-Milky, Block-Kursakanta, Arariya.
4. Poonam Kumari, Wife of Naveen Jha, Resident of village-Saranpur, Brahman Tola, Ward No.-02, P.O.-Dabhara, P.S.-Tarabari, Block and District-Araria, at present Exclusive Teacher Primary School Bakhari Milik, Block-Kursakanta, Arariya.
5. Mukesh Kumar Jha Son of Late Dilip Kumar Jha, Resident of Village and P.O.- Saurgaon, Ward No.-02, P.S.-Kursakanta, District- Araria, at present Exclusive Teacher at Saurgaon (Uttar), Block-Kursakanta, District- Araria.
6. Md. Mahboob Alam, son of Md. Maghrib Alam, Resident of Kathwa, Ward No.-01 P.O.-Pararia, P.S. and Block-Sikti, District-Araria, at present Exclusive Teacher Primary School Kuchaha, Block-Sikti, District-Araria.
7. Md. Junaid Haidar @ Junaid Haidar, son of Md. Ibrahim, resident of Siktia Jama Maszid Tola Kakan, Ward No.-04, P.O.-Kakan, P.S. and Block-Jokihat, District-Araria, at present Exclusive Teacher at Primary School Bhebhra Durgapur, Block Jokihat, District-Araria.
8. Md. Abid Hussain, son of Abdul Hamid, Resident of Singar Mahani Tola, Thapkol, Ward No.-12, Matiyari, P.O. and P.S. and Block-Jokihat, District-Araria, at present Exclusive Teacher at Primary School Haji Khalil Tola, Block Jokihat, District-Araria.
9. Md. Nawaz Sharif, Son of Md. Nazam Uddin, Resident of Rupail Shyampur, Ward No.-01, P.O.-Balua Deorhi, P.S. and Block-Palasi, District-Araria, at present Exclusive Teacher at Primary School Mahjali Godha Tola, Block Jokihat, District-Araria.
10. Naveen Kumar, son of Basudeo Yadav, Resident of Navtol Dhaneshwari, P.O.-Bhatgama, P.S.-Bhargama District-Araria, at present Exclusive Teacher at Primary School Barohua, Block Raniganj, District-Araria.
11. Md. Intekhab Alam, son of Md. Nishat Akhter, Resident of Majkuri, Ward No.-01, P.O.-Rajokhar, P.S.-Araria R.S., Block and District-Araria, at present Exclusive Teacher at Primary School Rahika tola-Kochgama, Block and District-Araria.
12. Vikas Kumar Jha, son of Birendra Nath Jha, Resident of At and P.O.- Parwaha, P.S. and Block-Forbesganj, District-Araria, at present Exclusive Teacher at Primary School Sonarpatti, Block Forbesganj, District-Araria.
13. Umakant Bharti, son of Yogendra Narayan Yadav, Resident of Professor



Colony, Ward No. 25, P.O. and P.S. and Block-Forbesganj, District-Araria, at present Exclusive Teacher at Primary School Paswan Tola Krikichiya, Block Forbesganj, District-Araria.

14. Azrana Perween Wife of Imroz Alam, Resident of - Dehti Dakhkhin, Pipra Tola, Ward No. -13, P.O. - Dehti, P.S. and Block - Palasi, District- Araria, at present Panchayat Teacher at Middle School Bansar, Block - Palasi, District-Araria.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Kumar, Adv.
For the Respondent/s : Mr. Abbas Haider, SC 6
Mr. Lokesh Kumar Singh, AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-11-2025

Heard the parties.

2. A batch of the trained teachers, working in different schools in the district of Araria, being aggrieved with the order as contained in Memo No. 1534 dated 02.06.2025 issued by the District Programme Officer (Establishment) Araria, have preferred the present writ petition seeking quashing of the same.

3. Learned Advocate for the petitioners submitted that the petitioners were duly appointed on the basis of their B.Ed.



Degree and later on completed six months special training (bridge course) and thus in terms with the relevant rules, they were found entitled for the trained scale salary. When the same was denied, One Satyendra Kumar Ojha has approached this Court by filing CWJC No. 9416 of 2019. A bench of this Court having taken note of the fact that somewhat identical issue has come up for consideration before the Division Bench in LPA No. 1699 of 2013 and the case of the petitioner is squarely covered with the decision of the learned Division Bench set aside the impugned order dated 09.01.2019, whereby the claim of the petitioners for grant of scale of trained teacher has been rejected that the petitioners have not completed special training of six months (Bridge Course) in Elementary Education. In the light of the order passed in CWJC No. 9416 of 2019, identically situated teacher namely Satyendra Kumar Ojha has filed a detailed representation and the Director, Primary Education considering the materials available on record, especially the mandate of the Division Bench in LPANo. 1699 of 2013 has extended the benefit of trained pay scale with effect from the date of his appointment.

4. It is also informed that in the district of Rohtas at Sasaram, various identically situated teachers have been



accorded the similar treatment in terms with the Bihar State Litigation Policy, 2011, especially Rule 4.C (1); however discrimination has been caused and when the petitioners approached before the District Programme Officer (Establishment), Araria, their claim for trained pay scale with effect from the date of appointment stood rejected only on account of the fact that Satyendra Kumar Ojha belongs to District of Buxar whereas petitioners hail from Araria.

5. A counter affidavit has been filed on behalf of respondent No. 4. It is categorically averred that admittedly in the light of the order passed by this Court in CWJC No. 9416 of 2019, the Director, Primary Education, Bihar under Memo No. 1790 dated 16.10.2024 approved the trained pay scale with effect from the date of appointment. However, despite the fact they have not stated as to why the claim of the petitioners has been rejected, only on account of they being the teachers of different districts, although they were also appointed based upon their B.Ed. Degree.

6. This Court having gone through the impugned order, *prima facie*, finds it to be unsustainable in law for the simple reason that the order of the learned Division Bench passed in LPA No. 1699 of 2013 was *in rem* and, thus, identical



benefit as accorded to the petitioners/appellant should be extended in favour of the petitioners. It is the admitted position that the petitioners were appointed on the basis of their qualification of B.Ed. Degree and later on they have also completed special training of six months (Bridge Course), there does not stand any reason to deprive the petitioners from trained pay scale. Any deprivation of such claim on account of they being the teachers of different district is wholly arbitrary and violates Article 14 of the Constitution of India. There can not be any discrimination on the ground of district, which is unheard of. This Court also finds apparent discrimination in view of the fact that the teachers who have been working in the district of Araria, they have been accorded the similar treatment and allowed the trained pay scale with effect from the date of appointment under order dated 28.08.2025, keeping in mind the Bihar State Litigation Policy, 2011.

7. In view of the aforesaid facts and the position settled by the learned Division Bench, this Court finds the impugned order to be wholly unsustainable in law. Accordingly, Memo No. 1534 dated 02.06.2025 is hereby set aside. The Director, Primary Education, Government of Bihar is directed to consider the claim of the petitioners for trained pay scale with



effect from the date of their appointment in light of the decision rendered by the learned Division Bench in LPA No. 1699 of 2013 keeping in mind the Bihar State Litigation Policy, 2011, especially Rule 4.C (1) and the submission of the petitioners that other identically situated persons have been accorded the similar benefit, preferably within a period of 10 weeks from the date of receipt/production of a copy of this order.

8. Accordingly, the writ petition stands allowed to the extent indicated, hereinabove.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.11.2025
Transmission Date	

