

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10957 of 2025

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Sushil Kumar Pathak Son of Late Kapildeo Pathak, Resident of village - Bheldi, Police Station Bheldi, District - Saran. At present posted and working as an Assistant Teacher in Govt Ray Sahab Middle School Paiga, Anchal - Amnour, District - Saran.

... .. 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, Bhagalpur Division, Saran Division, Chapra.
5. The District Education Officer, Saran
6. The District Education Officer cum- the Chairman of District Teachers Promotion Committee, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The District Programme Officer (Establishment)-cum-the Member Secretary of District Teachers Promotion Committee, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : AC to Advocate General

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2025 Heard Mr. Umesh Kumar Mishra, learned counsel appearing on behalf of the petitioner and learned AC to Advocate General for the State.

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

“I. For issuance of an appropriate writ in the nature of mandamus for commanding



and directing the respondent authorities concerned to shift the date of promotion of the petitioner in the scale of graduate trained pay scale (Arts) and in the scale of Headmaster from the due date of his entitlement as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993 in the light of the order passed by this Hon'ble High Court in the case of similarly situated teachers vide CWJC No. 15610 of 2018 (Raghwendra Sharma and Others vs. the State of Bihar and Others), as the petitioner has joined as an Assistant Teacher on 06.09.1991 on compassionate ground and has passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand, which is recognized upto 2016 for all purposes as per the decision of C.W.J.C. No. 16183/2012 (Raj Ranjan and Others vs. the State of Bihar and Others) and thus the petitioner is entitled for getting the promotion in graduate trained pay scale and in the scale of Headmaster shifted from the due date of his entitlement as several similarly situated teachers' who were also having the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, their date of promotion in graduate trained pay scale and in the scale of Headmaster has already been shifted from the due date of their entitlement but the petitioner has been deprived till date.

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 in the light of the order passed by this Hon'ble High Court in CWJC No. 15610 of 2018 (Raghwendra Sharma and Others vs. the State of Bihar and Others) and grant all monetary and consequential benefits by shifting the date of promotion in graduate trained pay scale and the scale of Headmaster from the due date of his entitlement since when several similarly situated /junior to the petitioner have been provided the promotion in the graduate trained pay scale and the scale of Headmaster

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the direction of the Director, Primary Education, Bihar, Patna by which, there is direction for compliance of the order passed by this Hon'ble High Court in CWJC No. 15610 of 2018 (Raghwendra Sharma and Others vs. the State of Bihar and Others) for providing the benefits of graduate trained pay scale and the scale of Headmaster as per Bihar Nationalized Elementary Teachers Promotion Rule, 1993 and also for implementation of the Director's memo no. 592 dated 10.05.2013 by



which, there is direction that if junior teacher has been promoted the senior teacher will also be given the same and similar benefits from the date since when the juniors have been granted the said benefits.

IV. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner will be entitled in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of petitioner seeks to avail remedy before the Regional Deputy Director, Education, Saran Division, Chapra, Bihar for the reliefs prayed for in the present writ petition. The petitioner has already filed representation before him to also grant similar reliefs, as has been granted to the other similarly situated teachers, in accordance with the Bihar Taken Over Elementary Schools Teachers Promotion Rules, 1993 (hereinafter referred to as the ‘Rules, 1993’) (Now promulgated as the Bihar Elementary Schools Teachers Promotion Rules, 2011). Learned counsel has placed reliance upon a judgment of this Court **dated 12.09.2022 passed in CWJC No. 15610 of 2018 (Raghwendra Sharma and Ors. Vs. the State of Bihar and Ors.)**.

4. Considering the grievance of the petitioner, I find that in several writ petitions similar reliefs have been granted to the teachers, who became entitled for graduate trained pay scale after *Kalavadhi* of 8 years, in accordance with the Rules, 1993.

5. I find it apt to reproduce para-14 of the order dated



12.09.2022 passed in CWJC No.15610 of 2018, which is as under:

“14. In the circumstances as above, this Court directs the respondents to conduct an exercise after preparing the seniority list as directed by the Full Bench (supra) positively, within a period of six months from today. All the districts will conduct an exercise of determination of vacancies for each year up to 2011, i.e., the date when the new Rules came into force and also prepare seniority list for each year as directed by the Full Bench. Thereafter eligibility list for each year shall be prepared based on the number of persons. available under the zone of consideration and the promotion shall be accordingly granted. The pay fixation would be done accordingly, this would be applicable even to those teachers who have attained superannuation as held by the Coordinate Bench in the case of Rana Shankar Prasad & Ors. Vrs. State of Bihar & Ors. (C.W.J.C. No. 22608 of 2014) decided on 13.09.2018, and passed orders accordingly. It is made clear that the promotion so granted will result in notional benefits from an earlier year and actual benefits shall be paid after fixation from the date actual promotions have been made. In cases where the person has attained superannuation actual retiral benefits would be given along with arrears.”

6. The Regional Deputy Director, Education, Saran Division, Chapra must proceed to pass order in accordance with the governing law in respect of grant of promotion to the petitioner as has been granted to the other similarly situated teachers, in accordance with the Rules, 1993, expeditiously.

7. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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