

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12162 of 2024

Nitish Bhardwaj, Son of Amir Paswan, resident of Gaura Shakti, Ward No. 12, Police Station - Muffasil, Gaura in the district of Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Government of Bihar, Patna.
5. The District Education Officer, Khagaria, District Khagaria.
6. The District Programme Officer (Establishment) Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Sweta Raj, Adv.

For the Respondent/s : Mr. Prashant Pratap, GP-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 09-10-2025

Heard the parties.

2. The petitioner has preferred the writ petition for the following reliefs:-

“i. For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities for fixation of salary of the petitioner in the trained graduate pay scale in view of the provision contained in Rule 22(1)(A), 7(i) (ii) (iii) and (iv) of the fundaments rules which inter alia provides that for the purpose of pay fixation on promotion, the salary payable on the date of promotion would be fixed and thereafter pay fixation would be done after giving benefits of one



additional-1 increment of the existing pay scale and to pay arrears of salary of the petitioner after aforesaid fixation from the date when has been granted trained graduate pay scale by the respondent authorities.

ii. To further direct the respondent authorities as per promotion rule 2011 (Rule 10) to grant promotion on the post of headmaster to the petitioner with effect from 31-01-2014 and their consequential benefits.

iii. For issuance of any other appropriate writ(s) order(s) direction(s) for which the writ petitioner would be found entitled under the facts and circumstances of the case.

iv. And/or any other appropriate reliefs to the petitioner for which payable may found entitle under the fact and circumstance of the case.”

3. A counter affidavit has been filed on behalf of respondent no. 6 with a categorical assertion that the petitioner has not exhausted his efficacious alternative remedy as provided under Rules of Bihar School Services Rule, when a statutory forum is already created by law for redressal of grievances and/or an effective alternative remedy is available to the petitioner. The petitioner should avail such remedy before



approaching this Court. The Education Department, Patna vide letter no. 242/c dated 21.09.2022 has informed that in terms with the Bihar Litigation Policy, all Government employees including retired employees will have to first avail the grievance redressal mechanism before approaching this Court.

4. Learned Advocate for the petitioner submitted that for redressal of his grievance, the petitioner has already filed a detailed representation before the District Programme Officer (Establishment), Khagaria, the copy of which has been marked as Annexure 8 series to the writ petition.

5. In view of the submissions afore-noted, the present writ petition stands disposed off with a direction to the District Programme Officer (Establishment), Khagaria or any other competent authority who is authorized in this behalf to consider the claim of the petitioner and dispose off the same preferably within a period of twelve weeks, in accordance with law.

6. With the aforesaid direction, the writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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