

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13330 of 2025

-
1. Ranjit Sharma, S/o Ramnandan Sharma, resident of- Akabarpur, Ward No.03, District- Nalanda.
 2. Bal Govind Prasad, S/o Baburam Singh, Tandpur, Kapasiyawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Nalanda, District-Nalanda.
6. The District Programme Officer, (Establishment), Nalanda.
7. The Block Development Officer, Hilsa, Nalanda.
8. The Headmaster, Middle School, Kesopur, Hilsa.
9. The Headmaster, Upgraded Middle School, Tandper, Hilsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the State	:	Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-08-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners have prayed for following reliefs:-

“(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondents to treat the joining of both the petitioners accepted on 01.01.2025 as valid after declaring successful in competency test conducted in the year 2024 for Exclusive



teacher (Physical teacher) since the petitioners have been appointed as Physical teacher and posted at middle schools, since the post of physical teacher is only available in middle school but only on the reason that inadvertently at the time of granting pay scale w.e.f. 01st July 2015 the petitioners have been paid in pay scale of Rs. 5200-20,200/-grade pay Rs.2000/- in place of grade pay Rs.2400/-, therefore they have been treated as teacher of class- 1 to 5 in place of teacher of class- 6 to 8.

(ii) For a direction to concerned respondent to pay all terminal dues payable to the Exclusive teacher such as pension under NPS, Gratuity and PF etc treating the petitioners as exclusive teacher because they have declared successful in the written test but joining was not accepted on 01.01.2025 mere on the reason that in place of treating them teacher of class-6 to 8 they have been treated teacher of class-1 to 5 in view of instruction given by the Director Primary Education and subsequently vide letter No. 1296 dated 19.05.2025 allowed to accept joining but the petitioners were retired on 31.01.2025.

Or

For issuance of appropriate writ in the nature of Mandamus, Commanding and directing the respondents to treat the joining accepted on 01.01.2025 as Exclusive teacher either of the teacher of 6 to 8 or of the teacher of 1 to 5 since they have declared successful in the competency test and retired



on 31.01.2025 and a direction to make payment terminal dues payable to the Exclusive teacher.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. It is the case of the petitioners that upon having been declared successful in the competency test conducted in the year 2024 for exclusive teacher (Physical Teacher), the petitioners were appointed as Physical Teacher and since the post of Physical Teacher was not available in the Middle School, therefore, inadvertently, in place of their appointment being treated as teacher of Class 1-5 in place of class 6-8, the petitioners were directed to ensure joining as a teacher of Class 1-5, while the fact is that they were recommendee as teacher of class 6-8. They ensured joining to the said post pursuant to the appointment letter no. 1053, dated 23.07.2021 as Block Teacher which is signed by the Block Education Officer, Hilsa, Nalanda. Both the petitioners were appointed as Block teacher in different Schools were treated as a Class 1-5 teacher in place to Class 6-8 teacher, and started to work from 23.07.2011 till they retired on 31.01.2025.



4. It is the case of the petitioners that after having retired on 31.01.2025, it is almost seven months, the authorities have not settled the pensionary and other benefits and is also not being treated as an exclusive teacher.

5. It is a case, where the petitioners despite having been selected by the competent body constituted in this behalf, still the status of the petitioners have not been classified as exclusive teachers. It is the case of the petitioners that even the pensionary benefits under different head has also not been settled for the reason unexplained.

6. It is in this regard, the petitioners have filed detailed representation, which is appended as Annexure-P/13 for grant of pension and other benefits.

7. This Court instead of keeping the matter pending, deems it fit and proper to direct the authorities to consider and decide the pension and other benefits of the petitioners within a period of six weeks from today. In case, their assistance are required in any manner, they shall accordingly be noticed with specific initiation that what are the things, the petitioners are suppose to provide in order to give assistance for the purposes of facilitating the proposed order required to be passed and accordingly, the authorities are directed to decide the same



within the period aforesaid and communicate the order within a further period of one week, so that necessary formalities as required from their end may be carried out.

8. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

pravinkumar/-

U			
---	--	--	--

