

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15686 of 2025

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Mandvi Kumari @ Mandavi Kumari Daughter of Late Hari Narayan Singh, Wife of Shri Ashok Kumar Singh, resident of Mohalla- Uma Nagar, Near Shiv Mandir, Dahiawan, Sandhya Chapra, Police Station - Muffasil Chapra, District - Saran. At present posted and working as an Assistant Teacher in Govt. Ganga Devi Arya Kanya Middle Shool Sahebganj, Anchal- Sadar Chapra, 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, Saran Division, Chapra.
5. The District Education Officer, Saran.
6. The District Education Officer cum- the Chairman of District Teachers Promotion Committee, Saran.
7. The District Programme Officer (Establishment), Saran.
8. The District Programme Officer (Establishment)-cum-the Member Secretary of District Teachers Promotion Committee, Saran.
9. The Block Education Officer, Sadar Chapra, Saran
10. The District Treasury Officer, Saran.
11. The District Accounts Officer, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Government Pleader (18)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following



reliefs :-

I. 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 and promote her in the scale of graduate trained pay scale (Arts) from the due date of her entitlement as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993 in the light of the order passed by this Honble High Court in the case of similarly situated teachers vide CWJC No. 15610 of 2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others), as the petitioner has joined as an Assistant Teacher in the year 1986 and has passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand in the year 2010 and as the said degree 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), the petitioner is entitled for grant of graduate trained pay scale from the due date of her entitlement as several similarly situated teachers' who were also having the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, they have already been given the graduate trained pay scale from the due date of their entitlement along with all consequential benefits but the petitioner has been deprived till date.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and respondent authorities the directing concerned to consider the case of the petitioner in the light of the order passed b this Homble High Court in CWJC No. 1561 of 2018 (Raghvendra Sharma and Otne vs. the State of Bihar and Others) and gran all monetary and consequential benefits b providing the promotion in graduate trained pay scale from



the due date of he entitlement since when several similarly situated junior to the petitioner, have been provided the promotion in the graduate trained pay scale.

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 (Raghvendra Sharma and Others vs. the State of Bihar and Others) for providing the benefits of graduate trained pay scale 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 for the petitioner submits that this petitioner passed matriculation in the year 1983 from the Bihar School Examination Board and intermediate from Bihar Intermediate Council, Bihar, Patna in the year 1984 and further, passed Primary Teachers Training College, Chandwara, Muzaffarpur conducted by the Bihar School Examination Board (for brevity 'BSEB').

4. It has next been submitted that the petitioner with



the permission of concerned authorities, namely, District Superintendent, Saran, appeared and passed Sahitiya Alankar (which is equivalent to graduation) from Hindi Vidyapeeth, Deoghar, Jharkhand through correspondence. It is the case of the petitioner that despite the fact that the petitioner has obtained the degree of graduate trained in Sahitiya Alankar in the year 1986, the promotion in the graduate trained payscale has not been considered. To buttress his submissions, he has relied upon a judgment of this Court in C.W.J.C. No.5129 of 2009, ***Sanjay Kumar v. The State of Bihar and Others*** and its analogues cases. The relevant extract is reproduced here under :-

We may now proceed to consider the claim set forth in C.W.J.C. No. 16183 of 2012 that was referred to the Division Bench by a learned Single Judge as it raised the same issue and L.P.A. No. 894 of 2016. In these two matters the claim of the writ-petitioners and the appellant respectively are with regard to promotional benefits in the higher scale of pay after having served for 8 years as an Assistant Teacher. They were denied promotional pay-scale only on the ground that they did not possess the minimum eligibility qualification as prescribed and were claiming benefits on the strength of the degree of Sahityalankar from Deoghar Hindi Vidyapeeth. In view of what has been concluded by us hereinabove, the petitioner of C.W.J.C. No. 16183 of 2012 and the appellant of L.P.A. No. 894 of 2016 are both entitled to the benefits of promotion and the same cannot be denied merely on the ground that they were possessed of an equivalent degree as referred to



hereinabove. It is undisputed that these two are also in possession of the degree of Sahityalankar having been obtained prior to the year 2008.

Accordingly, C.W.J.C. No. 16183 of 2012 and L.P.A. No. 894 of 2016 are allowed. The impugned judgment of the learned Single Judge dated 28.03.2016 is set aside. Since both the candidates have prayed for a mandamus, we accordingly direct the competent authority to pass an appropriate order in the light of above within three weeks from the date of presentation of the certified copy of the order served on them with effect from the date they were entitled for such benefit together with all consequential benefits.

5. It has next been submitted that now since the issues have already been made quietus with the appeals having been filed by the State-respondents vide L.P.A. No.1210 of 2010 and L.P.A. No.307 of 2016, questioning the correctness of the judgment of learned Co-ordinate Bench, whereby the respondents were extended the benefit of equivalent qualification, who had obtained the degree from Hindi Vidyapeeth, Deoghar, Jharkhand and since those appeals have already been dismissed, the judgment rendered by the Co-ordinate Bench in ***Sanjay Kumar (supra)*** has attained finality and therefore, the case of this petitioner is required to be considered strictly in consonance with the ratio laid down in the said case.

6. Learned counsel for the petitioner next submits that



on consideration of his degree as valid, the petitioners are required to undertake the process of granting promotion in the trained pay-scale in the light of the judgment rendered by Co-ordinate Bench in the case of *Raghvendra Sharma and Others v. The State of Bihar and Others* in *C.W.J.C. No.15610 of 2018*. It is further submitted by learned counsel for the petitioner that representation in this regard, taking cue from the ratio laid down in the said judgment have already been submitted before the concerned authorities to undertake the process in similar terms, as is being undertaken in the case of similarly situated persons and at this stage, further invited the attention of the Court to the decision taken by the Director, Primary Education, Education Department, Government of Bihar, in this regard, which is contained in Memo No.218 dated 27.02.2023, and is appended as Annexure-P/11.

7. Be that as it may, since issues have already been put at rest by the Co-ordinate Bench and the said view has already been upheld by the Hon'ble Division Bench, the authorities are required to take steps for granting pay-scale of graduate trained teachers with respect to this petitioner's appointment and for that a representation shall be filed by this petitioner, which shall be considered in similar terms, as that



of the persons in the case of C.W.J.C. No.15610 of 2019.

8. Considering the aforesaid, this writ petition is disposed off with a direction to the respondent No.6, to take all necessary steps on submission of detailed representation, which the petitioner proposes to file in continuation of the earlier representation along with the copy of the order within a period of eight weeks from the date of such submission and necessary orders strictly in consonance with law shall be passed and the benefit which accrues to the petitioner on account of such consideration, shall be also extended in favour of this petitioner within a further period of eight weeks.

(Ajit Kumar, J)

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