

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15453 of 2017**

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1. Dr. Ramashish Prasad Sinha and Ors Son of Ram Dinesh Prasad Sinha, Retired Head Master, from Bari Pahari Rajkiya2 School, Biharsharif Resident of Krishna Cottage, Udwantpuri, Garhpar, P.S.- Bihar, District- Nalanda at Biharsharif.
2. Sri Lala Prasad Singh, Son of Late Puneet Singh, Ganesh Gali, Khandakpar, P.S.- Bihar, District- Nalanda.
3. Ram Krishna Prasad, Son of Lal Prasad, Resident of Tikulipar, Biharsharif, P.S.- Bihar, District- Nalanda.
4. Basant Prasad Singh, Son of Late Ayodhya Singh, Resident of Mali Bagicha, Khandakpar, Sakunat Road, P.S.- Bihar, District- Nalanda.
5. Balmukund Prasad, Son of Late Nageshwar Singh, Resident at Kran Kunj, Garhpar, Biharsharif, P.S.- Bihar, District- Nalanda.
6. Janardan Prasad, Son of Late Ram Pravesh, Resident at Sarasat, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. Additional Secretary, Finance Department, Government of Bihar, Patna.
4. Deputy Director, Secondary Education, Bihar, Patna.
5. Regional Deputy Director, Patna Division, Department of Education, Govt. of Bihar, Patna.
6. Director, Secondary Education, Bihar, Patna.
7. Joint Director, Secondary Education, Budha Marg, Patna.
8. The District Magistrate, Nalanda at Biharsharif.
9. District Programme Officer Establishment, Nalanda at Biharsharif.
10. The District Education Officer, Nalanda at Biharsharif.
11. Headmaster, Badi Pahari Rastriya 2 High School, Biharsharif. null null
12. The District Education Officer, Nalanda at Biharsharif.
13. Headmaster, 2 High School, Mahmadpur, Nalanda.
14. Headmaster, High School, Sahokhar, Nalanda. null null
15. Headmaster, Nalanda Collegiate 2 School, Biharsharif.
16. Headmaster Adarsh High School, Biharsharif, Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad No.-1  
For the Respondent/s : Mr.Smt. Binita Singh-Sc28



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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

4      11-12-2025                      Heard learned counsel for the petitioners, learned  
counsel for the respondent-State.

2. The petitioners in the present writ application have  
prayed for grant of following relief :-

*“That this writ petition is being filed by  
petitioners above named seeking writ of mandamus,  
or through any other direction to command  
respondents authorities either through making  
correction in the letter dated 17.07.2017 to the extent  
of provide pay protection etc. as juniors were  
awarded the benefit of senior and upper pay scale  
with effect from 04.03.2014 or seeking direction by  
this Hon’ble Court for promote these petitioners as  
similar situated employees have been awarded.”*

3. At the outset learned counsel appearing for  
respondent-State submits that the writ application filed by the  
petitioners is misconceived and not maintainable in law for the  
reasons that petitioners have already been granted promotion,  
and therefore, they are not entitled to claim selection scale on  
account of completion of 24 years. A detail statement to this  
effect has been made in paragraph 7, 8 and 9 of the counter  
affidavit filed by the respondent-State, which is reproduced  
hereinbelow for needful :-

*“7. That in respect of claim raised by the  
petitioners in this case, the petitioner no.-01 had*



*approached the Director, Secondary Education, Bihar and vide 12.07.2017 letter no. 1678 dated the (annexure-10), petitioner no.01 benefits of was informed that' selection scale was allowed to 20% of the teachers working in senior scale in view of resolution no.6022 dated 18.12.1999 but, subsequently, vide letter no. 2096 dated 04.03.2014 (annexure-11), the Finance Department has allowed the benefits of selection scale in respect of all the teachers working in the senior scale and the said notification and since, you have been granted promotion to the post of Head Master on 21.08.2012 prior to the said date i.e. 04.03.2014, you are not entitled to get the benefits of selection scale and there is no illegality in issuance/communication of the said decision.*

*8. That it is relevant to mention here that the petitioners since, were already promoted to the post of Head Master Prior to the cut of date i.e. 04.03.2014 as would be evident from perusal of annexure-7 (series) of the writ application and as such, their category/grade was challenged as also their scale was also changed and therefore, they are not entitled to claim selection scale on the ground of completion of 24 years.*

*9. That it is further relevant to state here that benefits of senior scale or selection scale are admissible and payable to such assistant teacher, who were not allowed any promotion and worked in same. Grade of teachers and in respect of such teachers, provisions for grant of senior scale after completion of 12 years and selection scale after completion of 25 years in their own grade has been made and since, the grade of the petitioners was changed on account of grant of promotion to the post of Head Master, any claim for grant of selection scale is not misdirected and not justified in the eye of law.*

4. Upon being confronted with the above statement made by respondent-State, learned counsel for the petitioner does not come up with any satisfactory answer.



5. For the reasons as stated above in paragraph 7, 8 and 9 of the counter affidavit filed by the State, the present writ application is manifestly not maintainable as the relief claimed cannot be granted to the petitioners.

6. Writ application is accordingly dismissed.

**(Alok Kumar Sinha, J)**

sanjeev/-

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