

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16941 of 2025

1. Anil Kumar Son of Bhagwan Prasad, Resident of Village- Semariya, Post Office- Revelganj, Police Station- Revelganj, District-Saran. Presently posted as Head Master in Middle School, Dhanauti, Block- Dariyapur, District- Saran.
2. Bhola Prasad, Son of Ram Kishor Prasad, Resident of Chhatradhari Bazar, Near Hospital Chowk, Chapra, Post Office- Chapra, Police Station- Bhagwan Bazar, District- Saran. Presently posted as Head Master in Kanya Middle School, Block- Revelganj, District- Saran.
3. Sidheshwar Prasad Singh (Retired), Son of Sri Krishna Prasad Singh, Resident of Village- Bhatkeshri, Post Office-Bhatkeshri, Police Station- Jalalpur, District- Saran. Retired from the post of Head Master from Middle School, Panditpur, Block- Lahladpur, District- Saran.
4. Janakdeo Prasad, Son of Youdhisthir Prasad, Resident of Village- Enai, Post Office- Enai, Police Station- Revelganj, District-Saran, presently posted as Head Master in Middle School, Benaut Balak, Block- Ekma, District- Saran.
5. Umesh Kumar Singh, Son of Sachhida Nand Singh, Resident of Village- Majhawaliya, Post Office- Majhawaliya, Police Station- Jalalpur, District- Saran. Presently posted as Head Master in Middle School, Sawari Math Block, Jalalpur, District- Saran.
6. Jitendra Kumar Mishra, Son of Yamuna Mishra, Resident of Village- Basdila, Post Office- Basdila, Police Station- Jalalpur, District-Saran. Presently posted as Head Master in Middle School, Ashok Nagar, Block- Jalalpur, District- Saran.
7. Umesh Prasad Ray, Son of Ballabhdeo Prasad Ray, Resident of Village- Bahrauli, Post Office- Bahrauli, Police Station- Masrakh, District- Saran. Presently posted as Head Master in Middle School, Lahladpur, Block- Lahladpur, District-Saran.
8. Rajesh Kumar Manjhi, Son of Late Raj Kumar Ram, Resident of Village- Mura, Post Office- Kudarbagha (Basant), Police Station-Garakha, District- Saran. Presently posted as Head Master in Middle School, Pirari, Dariyapur, Block-Dariyapur, District- Saran.
9. Anil Kumar Singh, Son of Rajbalam Singh, Resident of Village- Sakhnauli, Post Office- Khanpur, Police Station- Awatarnagar, District- Saran. Presently posted as Head Master in Middle School, Khanpur, Dariyapur, Block- Dariyapur, District- Saran.
10. Sunil Kumar Rai, Son of Late Dharamdev Rai, Resident of Village- Sundarpur, Post Office- Pojhi (Parsa), Police Station- Dariyapur, District- Saran. Presently posted as Head Master in Middle School, Arbind Nagar, Dariyapur, Block-Dariyapur, District- Saran.
11. Rajeshwar Rai (Retired), Son of Kripa Rai, Resident of Village- Rasulpur, Post Office- Sutihar, Police Station- Derani, District- Saran. Retired from the post of Head Master from Middle School, Jitwarpur, Block- Dariyapur, District- Saran.
12. Sanjay Kumar Singh, Son of Shukdev Prasad Singh, Resident of Village-



- Darihara Chaturbhuj, Post Office- Darihara, Police Station- Dariyapur, District- Saran. Presently posted as Head Master in Middle School, Adamapur, Dariyapur, Block- Dariyapur, District- Saran.
13. Vijay Kumar Singh, Son of Yamuna Singh, Resident of Village- Sitalpur, Post Office- Sitalpur, Police Station- Daudpur, District-Saran. Presently posted as Head Master in Middle School, Nandpur, Block- Manjhi, District-Saran.
 14. Sanjay Kumar, Son of Rama Shankar Prasad, Resident of Village Gudari Bazar, Post Office- Chapra, Police Station-Bhagwan Bazar, District- Saran. Presently posted as Head Master in Adarsh Middle School, Revelganj, Block-Revelganj, District- Saran.
 15. Shamshad Ali, Son of Late Abid Miya, Resident of Village- Shyam Chowk, Post Office- Chapra, Police Station- Bhagwan Bazar, District- Saran. Presently posted as Assistant Teacher in Primary School, Salempur, Revelganj, Block-Revelganj, District- Saran.
 16. Anisur Rahman, Son of Noorul Hoda, Resident of Village- Shekhtoli, Post Office- Chapra, Police Station- Bhagwan Bazar, District- Saran. Presently posted and working as Assistant Teacher in Urdu Primary School, Semariya, Jahaj Ghat, Revelganj, Block Revelganj, District-Saran.
 17. Sushma Kumari, Daughter of Subodh Chandra Rai, Resident of Village-Shyam Chowk, Post Office- Chapra, Police Station-Bhagwan Bazar, District- Saran. Presently posted as Head Master in Government Girls Middle School, Enai, Revelganj, Block- Revelganj, District- Saran.
 18. Jai Prakash Manjhi (Retired), Son of Shankar Manjhi, Resident of Village-Mohamadpur, Post Office- Mohamadpur, Police Station- Manjhi, District-Saran. Retired from the post of Head Master from Kanya Middle School, Jogiya, Ekma, Block- Ekma, District- Saran.
 19. Ashok Kumar, Son of Kameshwar Kumar, Resident of Village- Kolhua, Post Office- Kolhua, Police Station- Sahajitpur, District-Saran. Presently posted as Head Master in Middle School, Majhwaliya, Block- Jalalpur, District-Saran.
 20. Vijay Kumar (Retired), Son of Rameshwar Sah, Resident of Village-Senduwar Babutola, Post Office Dayalpur, Police Station- Janta Bazar, District- Saran. Retired from the post of Assistant Teacher from Middle School, Lahladpur, Block- Lahladpur, District- Saran.
 21. Arun Kumar, Son of Sri Giridhar Prasad, Resident of behind Sadar Hospital, Chapra, Post Office- Chapra, Police Station- Bhagwan Bazar, District-Saran. Presently posted as Assistant teacher in Middle School, Daldali Bazar, Block-Revelganj, District- Saran.
 22. Ramesh Kumar Das, Son of Subh Nath Das, Resident of Village- Goriya Chapra, Post Office- Revelganj, Police Station- Revelganj, District- Saran. Presently posted as Assistant Teacher in Middle School, Daldali Bazar, Revelganj, Block-Revelganj, District- Saran.
 23. Kumari Shila Sinha (Retired), Daughter of Surendra Pratap Singh, Resident of Village Masumganj, Post Office- Masumganj, Police Station- Bhagwan Bazar, District- Saran. Retired from the Post of Head Master from Middle School, Nabiganj, Chapra Town, Block- Chapra, District-Saran.



24. Mahesh Prasad Pandit, Son of Shiv Narayan Pandit, Resident of Ram Krishnapuri, (Masumganj), Post Office- Chapra, Police Station-Bhagwan Bazar, District- Saran, Retired from the post of Head Master from Middle School, Anwal, Jalapur, Block- Jalalpur District- Saran.
25. Sanjay Kumar, Son of Rameshwar Sah, Resident of Bank Colony Shyam Chak, Post Office- Chapra, Police Station- Bhagwan Bazar, District- Saran. Presently posted as Assistant Teacher in Primary School, Saraindha, Revelganj, Block-Revelganj, District- Saran.

... .. Petitioners

Versus

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

... .. Respondents

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Appearance :

For the Petitioners	:	Mr. Satish Narain Singh, Advocate
For the Respondent State:		Mr. Kinkar Kumar-S.C.-09
		Mr. Yogesh Kumar, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-11-2025 Heard the parties.

2. The petitioners, invoking the jurisdiction of this Court, have sought a direction upon the concerned respondent authorities to grant senior scale/time bound promotion/ACP to the petitioners on completion of 12 years from the date of their joining/appointment in the service as Assistant Teachers in the light of the order of this Court dated 31.03.2011 passed in CWJC No. 6139 of 2007 (*Ram Ashis Tiwary and others vs. The State of Bihar and others*), which was duly affirmed by the



learned Division Bench in L.P.A. No. 756 of 2015 vide order dated 16.08.2017.

3. Learned Advocate for the petitioners, referring to the order dated 31.03.2011 passed in CWJC No.6139 of 2007, has submitted that the issue regarding the entitlement of the petitioners for grant of senior scale/time bound promotion/ACP has stood settled and duly affirmed by the learned Division Bench, but, despite the aforesaid facts, the petitioners have been deprived from the relief and as such the petitioners represented before all the concern, but to no avail. It is also submitted that the identically situated persons have approached this Court by filing different writ petitions including CWJC No. 359 of 2019 (*Janardan Singh and others vs. The state of Bihar and others*) and in pursuant to the order of this Court, they have been extended the relief sought for in the present writ petition; thus, it is contended that discrimination has been caused to the petitioners.

4. Learned Advocate for the State submitted that though the petitioners are seeking issuance of writ of *mandamus*, but no representation has been brought on record that they have ever approached before the authorities concerned.

5. Considering the nature of the grievance and the



submissions advanced by the learned counsel for the petitioners that their cases are fully covered with the case of ***Ram Ashis Tiwary*** (supra), this Court deems it fit and proper to dispose of this writ petition with a liberty to the petitioners to file representation(s) before the respondent No.6, the District Programme Officer (Establishment), Saran, Chapra, along with the orders, which have been passed in favour of the identically situated persons, preferably within a period of four weeks from today. In case such representation(s) is/are filed within the period stipulated, the same shall be considered and disposed of preferably within a further period of 12 weeks keeping in mind the Bihar State Litigation Police, especially Clause 4.(C)(1) thereof.

6. The writ petition stands disposed of accordingly with the liberty as aforesaid.

(Harish Kumar, J)

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