

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17652 of 2025

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Mubarak Hussain, Son of Late Alisher Ahmad, Resident of Village and P.O.-
Aggya, P.S.-Goreyakothi, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Siwan.
4. The District Programme Officer, (Establishment), Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Adv.
For the Respondent/s : Mr. Addl. Advocate General (09)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-11-2025 Heard the parties.

2. The petitioner has approached this Court for the
following reliefs:-

“That this is an application for issuance of appropriate writ(s) /direction(s) commanding the respondents to pay arrears of salary for the period from 01.01.1989 to 28.03.2010 and also for grant and payment of benefits of graduate trained pay scale w.e.f. 01.01.1989 as qualification of the petitioner is Fazil which is equivalent to graduate trained and further for grant of all other consequential benefits including benefits of A.C.P. and retirement benefits as the petitioner has been retired from service on 31.05.2025.”



3. It is submitted that the petitioner was duly appointed as Urdu Teacher in the School in question by the Managing Committee vide appointment letter dated 06.10.1987. Subsequent thereto, the petitioner also passed Fazil examination in the year 1988 which is equivalent to graduate trained. The services of the petitioner later on recognized as Urdu teacher in Lalpari Devi Project Girls High School, Goreyakothi, Siwan vide office order as contained in memo no. 70'P' dated 29.03.2010 with effect from the date of the order issued by the respondent no. 2 with a caveat that after due enquiry regarding continuous working, service of the petitioner will be recognized with monetary benefit with effect from 01.01.1989.

4. Mr. Ram Sagar Singh, learned Advocate for the petitioner submitted that in terms with Clause 2 of the order dated 29.03.2010, the Regional Deputy Director of Education, Saran Division, Chapra enquired the matter regarding continuous working of the petitioner and on being satisfied vide order dated 14.07.2022, the services of the petitioner has been recognized with effect from 01.01.1989. However, till date, the arrears of salary has not been paid to the petitioner. It is further contended that the petitioner has been satisfactorily discharging his duty for a period of thirty-six years and finally came to be superannuated on 31.05.2025, but has not been allowed the



benefit of ACP/MACP. This Court is also informed that the issue regarding granting graduate trained pay scale after treating the Acharya Fazil degree equivalent to graduate trained, has come up for consideration in C.W.J.C. No. 20719 of 2014, which came to be disposed off on 01.10.2018 and further duly affirmed by the learned Division Bench as well as Apex Court; all the orders have been placed on record, as Annexures 7, 8 and 9 to the writ petition. It is further submitted that there is no dispute that the Government has accepted that the qualification of Fazil is equivalent to graduate trained; to support the aforesaid contention Annexure P4, P5 and P6 have also been placed on record.

5. Learned Advocate for the State submitted that the claim of the petitioner is yet to be examined at the level of the authorities concerned.

6. In view of the submissions advanced and taking note of the materials available on record, the present writ petition is disposed off with a direction to the Director, Secondary Education, Education Department, Government of Bihar to consider the claim of the petitioner for arrears of salary in the graduate trained pay scale with effect from 01.01.1989 in the light of the order dated 14.07.2022, the copy of which is marked as Annexure P/3; as also the policy decision issued by



the State Government and order/judgment of this Court passed in C.W.J.C. No. 20719 of 2014 and duly affirmed by the learned Division Bench and Apex Court keeping in mind the Bihar State Litigation Policy, 2011, specially clause 4(C)(1) thereof, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order. The concerned respondent shall also consider the claim of the petitioner for his entitlement of ACP/MACP and take an appropriate decision within the period stipulated, in accordance law.

7. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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