

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19329 of 2025

Lalanji Tiwari Son of Late Ramashis Tiwari, Resident of Village- Nathanpura, Sub District Pachrukhi, Police Station- G.B. Nagar Tarawara, District- Siwan. Retired while working as an Assistant Teacher from Govt. Upgraded Middle School Bharatpura, Anchal- Pachrukhi, District- Siwan.

... .. 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, Siwan.
6. The District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The District Programme Officer, (Establishment)-cum-the Member Secretary of District Teachers Promotion Committee, Siwan.
9. The Accountant General, Birchand Patel Path, Bihar, Patna.
10. The Senior Accounts Officer, Office of the Accountant General, Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr. P.K. Shahi, Advocate General

For the Accountant General : Mrs. Ritika Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioner, learned counsel appearing for Accountant General and learned counsel for the State.

2. With the consent of the parties, the present writ application is being disposed of at this stage itself.



3. In the present writ application the petitioner has prayed for the grant of following reliefs:

“(I) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to promote the petitioner in the scale of graduate trained pay scale (Arts) from the due date of his entitlement as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993 in the light of the order passed by this Hon'ble 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 19.05.1981 through the panel of the District Superintendent of Education, Siwan and has passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand in the year 1983 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) and thus the petitioner is entitled for grant of graduate trained pay scale from due date of his entitlement as several similarly situated teachers' who were also having the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, their date of promotion in graduate trained pay scale from the



due date of their entitlement but the petitioner has been deprived till date, as the petitioner has been given 1.Sc. trained pay scale since 01.04.1983 and in the matter of 1.Sc. trained pay scale, he will be senior to matric trained teacher and his entitlement in graduate trained pay scale is prior to such teachers, who are in matric trained pay scale, as since 01.01.1986, the 1.Sc. trained pay scale and matric trained pay scale has been merged in one scale i.e. matric trained pay scale by providing three additional increments as well as seniority.

II. 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 in the light 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) and grant all monetary and consequential benefits by providing the promotion in graduate trained pay scale from the due date of his entitlement since when several similarly situated/junior to the petitioner have been provided the promotion in the graduate trained pay scale and also pay the differences of arrears of salary and also revise the pensionary benefits accordingly, as the petitioner had already retired from service in the year 2018 while discharging his duties as an Assistant



Teacher from Govt. Upgraded Middle School Bharatpura, Anchal Pachrukhi, District -Siwan.

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 and the scale of Headmaster 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 an appropriate writ in the nature of mandamus as an alternative prayer that the District Education Officer, Siwan and the District Programme Officer (Establishment), Siwan to convene the meeting of the District Teacher Promotion Committee, Siwan and provide him the graduate trained pay scale from the due date of his entitlement i.e. after 8 years of service



in matric trained pay scale or since 01.01.1986 and provide is consequential and monetary benefits as in the case of several similarly situated district i.e. in the district of East Champaran, Motihari, the similarly situated teachers, namely, Raj Ranjan and Others have already been given the scale of graduate trained pay and the scale of Headmaster along with all consequential benefits but in the case of the petitioner, they are pretending that as the petitioner has not been promoted in graduate trained pay scale, he will not be given the benefits under 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), which is not sustainable in the eyes of law.

V. 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.”

4. After advancing some argument, learned counsel for the petitioner submits that the petitioner has already filed a representation before various authorities, but till date no final decision has been taken. He however submits that he is prepared to file a fresh representation before the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Siwan (respondent no.6) and submits that an



appropriate direction be issued to the respondent no.6 to dispose of the representation of the petitioner within a fixed time frame, after giving an opportunity of hearing to the petitioner.

5. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for Accountant General, Bihar and learned counsel for the State do not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a detailed representation before the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Siwan (respondent no.6) within one month from today, and if such a representation is filed, the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Siwan is directed to dispose of the same within six months from the date of filing of the representation after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Siwan (respondent no.6) should be a reasoned and speaking order.



7. With the aforesaid observation and direction and liberty as granted, the present writ application stands disposed of. Pending I.As, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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