

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18841 of 2024

1. Ravi Ranjan Kumar S/o Amar Prasad, Resident of Mohalla- Ashnagar, P.O. and P.S.- Sohsarai, District- Nalanda, Presently posted as Graduate Teacher in Upgraded Middle School Machhaldiha, Village and P.O.- Machhaldiha, Block- Noorsarai, District- Nalanda.
2. Binod Kumar Pandit, S/o- Sri Ramashish Pandit, Resident of Village and P.O.- Onda, P.S.- Sare, District- Nalanda, Presently working as Assistant Teacher in Upgraded Middle School, Machhaldiha, Village and P.O.- Machhaldiha, Block- Noorsarai, District- Nalanda.
3. Pramod Kumar Arya, S/o- Jai Prakash Arya, Resident of Mohalla- Mogal Kuan, Baulipar, P.O.- Sohsarai, P.S. Biharsharif, District- Nalanda, Presently working as Assistant Teacher in Upgraded Middle School, Khidarchak, P.O.- Sohsarai, Block Rahui, District- Nalanda.
4. Arvind Kumar Yadav, S/o- Radhe Prasad, Resident of Mohalla- Baulipar, Mogal Kuan, Ward No.9, P.O. and P.S.- Sohsarai, District- Nalanda, Presently working as Assistant Teacher in Middle School, Hawanpura, P.O.- Bhandari, Block- Rahui, District- Nalanda.
5. Sunil Kumar, S/o- Rajendra Prasad, Resident of Village- Bisunpur, P.O.- Tajanipur, P.S.- Bind, District- Nalanda, Presently working as Headmaster in Upgraded Middle School, Machhaldiha, Village and P.O.- Machhaldiha, Block- Noorsarai, District- Nalanda.
6. Suryadeo Nandan Kumar, S/o- Shivilal Prasad, Resident of Village- Makhdumpur, P.O.- Parthu, P.S. Ekangarsarai, District- Nalanda, Presently working as Assistant Teacher in Primary School Manikpur, Block- Parwalpur, District- Nalanda.
7. Sant Kumar Sanyasi, S/o- Hardev Singh, Resident of Village and P.O.- Peshaur, P.S.- Rahui, District- Nalanda, Presently working as Assistant Teacher in Middle School, Khirauna, Block- Rahui, District- Nalanda.
8. Manoj Kumar, S/o- Brijnandan Yadav, Resident of Mohalla Khandakpur, P.O. and P.S.- Biharsharif, District- Nalanda, Presently working as Assistant Teacher in Middle School, Uttarnawan, Block- Rahui, District- Nalanda.
9. Dharmendra Kumar, S/o- Basudeo Mistry, Resident of Village Mehattrawan, P.O.- Bhatahar, P.S.- Tharthari, District- Nalanda, Presently working as Assistant Teacher in Middle School, Uttarnawan, Block- Rahui, District- Nalanda.
10. Rajesh Kumar Ranjan, S/o- Singheshwar Prasad, Resident of Village and P.O.- Cheron, P.S.- Sarmera, District- Nalanda, Presently working as Assistant Teacher in Middle School, Uttarnawan, Block- Rahui, District- Nalanda.
11. Bipin Bihari, S/o- Shri Shivnandan Prasad, Resident of Village- Sundergarh, Bhaisasur, P.O. and P.S.- Biharsharif, District- Nalanda, Presently working as Assistant Teacher in Upgraded Middle School, Kathauli, Block- Noorsarai, District- Nalanda.
12. Ashirvad Chaudhary, S/o- Ramchandara Chaudhary, Resident of Village- Akwalganj, P.O.- Sohsarai, P.S. Rahui, District- Nalanda, Presently working



as Assistant Teacher in Middle School, Amba, Block- Rahui, District- Nalanda.

- 13. Lalo Chaudhary, S/o- Nathun Chaudhary, Resident of Mohalla- Devi Sarai, P.O.- Maghra, P.S.- Deep Nagar, District- Nalanda, Presently working as Assistant Teacher in Primary School, Dihra, Block- Rahui, District- Nalanda.
- 14. Ajeet Kumar, S/o- Ganauri Prasad Yadav, Resident of Village- Dhibrapar, P.O.- Moratalaw, P.S.- Rahui, District- Nalanda, Presently working as Assistant Teacher in Upgraded Middle School, Bhagan Bigha, Block- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

- 1. The State of Bihar through its The Additional Chief Secretary cum The Principal Secretary, Education Department, Government of Bihar, Patna.
- 2. The Additional Chief Secretary cum The Principal Secretary, Education Department, Government of Bihar, Patna.
- 3. The Director, Primary Education, Bihar, Patna.
- 4. The Joint Secretary, Education Department, Bihar, Patna.
- 5. The District Education Officer, Nalanda.
- 6. The District Programme Officer (Establishment), Nalanda.
- 7. The Block Education Officer, Noorsarai, District- Nalanda.
- 8. The Block Education Officer, Rahui, District- Nalanda.
- 9. The Block Education Officer, Parwalpur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh, Advocate
For the Respondent/s	:	Mr. S.D.Yadav, AAG-9
		Mr. Braj Bhushan Mishra, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-03-2025 Heard learned counsel for the petitioners and learned
AC to AAG-9 for the State.

2. Learned counsel appearing on behalf of the
petitioners submits that the instant writ application has been
filed for a direction upon the respondents to give the matric
trained pay scale to the petitioners from the date of their joining



in light of the order dated 31.03.2011 passed in C.W.J.C. No. 6139 of 2007 (Ram Ashish Tiwary and others Vs. The State of Bihar and others) which was upheld by the Hon'ble Division Bench of this Court by a judgment dated 16.08.2017 passed in L.P.A. No. 756 of 2015 (The State of Bihar and others Vs. Ram Ashish Tiwary and others).

3. Learned counsel appearing on behalf of the State at this stage submits that it appears that the petitioners have rushed to this Court seeking a direction upon the authorities for giving the similar benefit which has been given to the petitioners of C.W.J.C. No. 6139 of 2007 on the grounds of parity but then it is submitted that from perusal of the pleadings made in the writ application, it would manifest that the petitioners have rushed to this Court without approaching the authorities seeking redressal of their grievance in light of the order dated 31.03.2011 passed in C.W.J.C. No. 6139 of 2007 which was upheld by the Hon'ble Division Bench in L.P.A. No. 756 of 2015. It is further submitted that the basic principles for issuing a writ of mandamus is demand and refusal but then the petitioners instead of moving before the authorities have directly approached this Court.

4. Learned counsel appearing on behalf of the



petitioners is not in a position to rebut the said submissions of the learned counsel appearing on behalf of the State that petitioners prior to approaching this Court have not approached the authorities seeking redressal of their grievance as raised in the instant writ application, as such, the Court finds no merit in the writ application.

5. Hence, the writ application is dismissed.

6. However, the same would not preclude the petitioners from approaching the authorities seeking redressal of their grievance as raised in the instant writ application.

(Satyavrat Verma, J)

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