

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2287 of 2025

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Mukesh Nandan Madhukar Son of Late Ram Varan Paswan, Resident of Mohalla - Mangal Colony, Sudin Chowk, Purnea, Ward No. 26, Police Station - Sadar, Purnea, District- Purnea. Presently posted as Trained Graduate Teacher at Middle School, Manjheli Hat, Mohalla- Pitanjaya Manjheli, Police Station - Muffasil, Rani Patra, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Purnea.
4. The District Education Officer, Purnea.
5. The District Programme Officer (Establishment), Purnea.
6. The District Account Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate

Mr. Abdul Wadood, Advocate

For the State : Mr. Sudama Kumar, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-02-2025 Heard Mr. Dharmendra Kumar Sinha, alongwith Mr. Abdul Wadood, learned counsels appearing on behalf of the petitioner and Mr. Sudama Kumar, learned AC to SC 12 appearing on behalf of the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* the following relief(s), which is



reproduced hereinafter:-

“(i) For issuance of an appropriate writ/writs in the nature of mandamus commanding and directing the Respondents to provide the petitioner, the benefit of Matric trained pay scale of Rs. 1200-2040 (is replacement scale of Rs. 4500-7000 in place of 3050-4590) from the date of his initial appointment in pursuance of Finance Department Resolution No. 3/PAR 01.03/89 6022 F(2) dated 18.12.1989 and provide the benefit of order dated 31.03.2021 passed in C.W.J.C. No. 6139 of 2007 in identical case affirmed by Hon'ble Division Bench of this Hon'ble High Court by order dated 16.08.2017 passed by this Hon'ble Court in L.P.A. No. 756 of 2015 affirmed by the Hon'ble Supreme Court in S.L.P. (Civil) Diary No. 28313 of 2018 dated 27.08.2018 in term of Clause-4(C) of the State Litigation Policy.

(ii) Further the Respondents be directed to give senior scale of 9300-34,800 Grade pay 4600 of Matric trained senior scale to the petitioner as the petitioner having higher qualification at the time of his initial appointment and he has completed 12 years of service.

(iii) Any other reliefs may be granted which would be just, proper and equitable in the opinion of this Hon'ble Court.”

3. Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgment passed in LPA No. 756 of 2015 arising out of C.W.J.C. No. 6139 of 2007 dated 16.08.2017. Hence, the petitioner is entitled to the similar relief, as per the State Litigation Policy under Clause 4(c)(1), which reads as follows:-

“4.C Covered Matters: 4.C (1). A good number of cases are from the category of similar cases. Each



Government Department will aim to consider and settle the claim of the representationist/applicant-employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.

4. Considering the submissions made on behalf of the petitioner, the present writ application stands **disposed of** in light of the order passed in C.W.J.C. No. 6139 of 2007 dated 31.03.2011 and L.P.A. No. 756 of 2015 dated 16.08.2017 and the State Litigation Policy, as quoted above.

5. The benefit granted to the petitioner of the aforesaid C.W.J.C. No. 6139 of 2007 dated 31.03.2011, shall be extended to the petitioner of the present writ petition, within a period of six months, from the date of making such representation before the competent authority.

6. It is made clear that the Chief Secretary, Bihar must call for the report from the Additional Chief Secretary, Education Department in respect of the cases, which are covered by the judgment of this Court and take a decision by directing the authorities concerned to act in accordance with the provision of Bihar Litigation Policy, 2011.

7. The State counsel is directed to communicate this order to the Chief Secretary, Government of Bihar forthwith.



8. Accordingly, the instant petition stands disposed of.

(Purnendu Singh, J.)

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