

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.976 of 2026

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Pramod Kumar Roy Son of Late Pitambar Roy, Resident of Village- Kathuar, Hati, Police Station- Nauhatta, District- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Kanya Middle School Barahi, Block- Nauhatta, District- Saharsa.

... .. 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, Govt. of Bihar, Patna.
3. The Additional Chief Secretary-cum-the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Koshi Division, Saharsa.
6. The District Education Officer, Saharsa.
7. The District Programme Officer (Establishment), Saharsa.
8. The District Accounts Officer, Saharsa.
9. The District Treasury Officer, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Government Pleader (11)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL JUDGMENT

Date : 22-01-2026

Heard learned counsels for the respective parties.

2. In the instant petition, petitioners have prayed
for the following relief(s):-

(I) *For issuance of an appropriate writ in the
nature of mandamus for commanding and directing*



the respondent authorities concerned to provide the benefits to the petitioner in the light of letter no. 571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Govt. of Bihar, Patna, in compliance of the order passed by this Hon'ble High Court on 09.08.2019 in CWJC No. 16165 of 2019 (Kishor Kumar and Others vs. the State of Bihar and Others) as also in the light of memo no. 383 dated 03.04.2025 issued by the District Programme Officer (Establishment), Gaya in compliance of the order dated 14.11.2024 passed by this Hon'ble High Court in CWJC No. 7006/2024 (Jitendra Kumar and Others vs. the State of Bihar and Others) by which, direction has been given for providing the notional benefits of trained pay scale from the date of relieving after completion of training and monetary benefits since 01.10.2003 and since the petitioner had been sent for one year in-service teachers training course for the session 2000-2001 and after completion of training, he was relieved to join his duties in his respective school 06.09.2001 and in the light of the aforesaid letters, the petitioner is entitled for grant of notional benefits from the date of relieving from teachers training, the date on which, he was relieved to join his respective school after completion of training and due to not providing the notional benefit from the date of his entitlement, the petitioner is at loss of seniority etc.



(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 aforesaid letter no. 571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Govt. of Bihar, Patna as also the memo no. 383 dated 03.04.2025 issued by the District Programme Officer (Establishment), Gaya, which have been issued in compliance of the judicial orders passed by this Hon'ble High Court, and provide the notional benefits from the date of completion of training, as there is laches on the part of the respondent/State for not sending the petitioner for in-service teachers training course and taking examination belatedly in which the petitioner successfully passed.

(III) For issuance of an appropriate writ in the nature of mandamus as an alternative prayer of the petitioner for directing the respondent authorities concerned to dispose of the representation of the petitioner dated 16.12.2025 addressed to the District Education Officer, Saharsa and the District Programme Officer (Establishment), Saharsa by reasoned and speaking order by ventilating the genuine grievance of the petitioner for providing the notional benefits from the date of relieving after successful completion of teachers training and



monetary benefits since 01.10.2003.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners will be found entitled in the facts and circumstances of the case.

3. At the outset, the learned counsel for the petitioners submits that the petitioner having requisite qualification, was appointed as Assistant Teacher through Bihar Staff Selection Commission in the year 1999 and he joined the respective school, as per the direction in the year 2000. Thereafter, he was sent for in-service teachers training course for the session 2000-2001 along with others and after successful completion of teachers training, they were relieved for joining in their respective schools on different dates in the year 2001. Despite having obtained requisites training, the pay-scale as is applicable for primary trained teachers has not been allowed.

4. Counsel for the petitioners next submits that this issue has been put at rest by an order passed by Co-ordinate Bench, which has attained finality at the level of Hon'ble Apex Court, and is appended with writ petition as Annexure-P/5, *vide* order dated 09.08.2019 passed in CWJC No. 16165 of 2019 ***(Kishor Kumar & Ors. Vs. State of Bihar & Ors.)***.

5. It has next been submitted that after passing of



the said order various writ petitions were entertained by this Hon'ble Court in CWJC No. 7006 of 2024 dated 14.11.2024, and also similar writ petitions were adjudicated by the Coordinate Bench *vide* order dated 01.02.2021 passed in CWJC No. 7938 of 2020 (***Manoj Kumar & Ors. Vs. State of Bihar & Ors.***). The extract of the relevant observation made in Para 9 to 13 are being referred as under:-

"9. From the facts noted above, it is evident that in similar circumstance some Panchayat teachers had approached this Court with a claim that they are entitled for grade pay with effect from completion of their training and not with effect from the date of publication of result of the training, as they were not responsible for the delay in publication of result. This Court in case of Kishor Kumar and Others (supra) had directed the Director Primary Education, Government of Bihar, Patna to consider the case of the petitioner and ".....grant the benefits from the date of completion of training to the petitioners as lapses on the part of the respondents cannot be a ground to deny the benefit of trained pay scale.....". In implementation of the said order the respondents could not have deviated to deny actual benefits of grant of grade pay from the date of completion of their training, as the direction is specific in nature to the effect that lapses on the part of the respondents could not be a ground to deny the benefits of trained pay scale. Granting notional scale only with effect from the date of completion of training, in my opinion amounts to defying this Court's direction as actual payment of trained pay scale is a benefit of grant of trained pay scale, which cannot be denied in the light of this Court's order in case of Kishor Kumar and Others (supra).



10. This writ application is accordingly allowed.

11. The impugned orders dated 06.01.2020 issued by the District Programme Officer (Establishment) Bhagalpur and the order dated 22.06.2020 passed by the Director Primary Education, Government of Bihar, Patna are hereby quashed.

12. The respondents are directed to ensure that the petitioners are paid pay scale/grade pay which they are entitled to from the date of completion of training i.e. May, 2017. The arrears of salary shall be calculated accordingly and paid to them within a period of three months from the date of receipt/production of a copy of this order.

13. The Court was contemplating imposition of cost noticing palpably arbitrary action of the State respondents which generated unnecessary litigation. Instead of imposing cost it has been considered apt to issue a note of caution for the Respondents to be fair and reasonable in future in such matters, particularly when the matters relate to implementation of Court's orders. It is, however, directed in the facts and circumstances that let the respondents ensure that their actions may not generate unnecessary further litigation and this Court's orders are uniformly applied in respect of similarly situated employees, as is expected of a model employer."

6. It has further been submitted that the orders passed by the Writ Court in CWJC No. 7938 of 2020 dated 01.02.2021 was challenged by the State Government vide LPA No. 456 of 2021 dated 03.04.2025 and the Hon'ble Division Bench had dismissed the appeal of the State by making the following observation in Para 6, which is being re-produced as under:-



“6. In this backdrop, appellants cannot take decision of notional benefits when the order is very specific to the extent that necessary decision in this regard with all consequential monetary benefits must be taken by the Director. The same decision has been passed in number of cases including the present case. The appellants have taken their own time to publish the result with reference to completion of training course in the month of May, 2017. For no fault on the part of the respondents, denial of certain service and monetary benefits on behalf of the appellants would be arbitrary, therefore, the appellants have not made out a case so as to interfere with the impugned order of the learned Single dated 01.02.2021 passed in passed in CWJC No. 7938 of 2020.

7. Accordingly, LPA No. 456 of 2021 stands dismissed. Pending I.A., if any, stands dismissed.”

7. The counsel for the petitioner by taking this Court to the judgments, rendered by the Co-ordinate Bench and as also the same having been affirmed by the Hon’ble Division Bench, submits that the appropriate representations were filed before the Respondent Nos. 5 to 7, which is still pending.

8. From perusal of the order passed by the Co-ordinate Bench as also the Hon’ble Division Bench, wherein the authorities have been directed to take a final decision in terms of the order passed in C.W.J.C. No.16165 of 2019 (***Kishor Kumar supra***) it is required that the District Education Officer, Saharsa, shall pass an order after considering the claim of the petitioner strictly in terms of the order passed in the case of **Kishor**



Kumar (*supra*).

9. The counsel for the State does not dispute legal position rather it has been submitted that the petitioner may be directed to file a fresh representation appending all such necessary details for adjudication of this claim along with the copy of the order, in terms of the judgment rendered by this Court, which has attained finality.

10. The counsel for the petitioner points out that in similarly situated case, the authority has complied the direction and order to that effect has already been brought on record, which is appended as Annexure-P/11 to the writ petition and the said order has been passed by District Education Officer, Vaishali adjudicating the claim, and accordingly, this matter needs to be considered by the respondents in the light of judgment rendered by this Court, which has attained finality, as also the similar benefits has been extended by the authorities of different districts.

11. Considering the above, this Court directs that fresh representation with all supportive materials shall be filed before the District Education Officer, Saharsa, referring the details of earlier representation appended with the writ petition, which shall be considered and appropriate reasoned order be



passed in terms of the judgment rendered by this Court within a period of eight weeks from the date of representation along with copy of the order and supportive materials. If the claim of the petitioners are found to be justified in law, then benefits shall also be extended in their favour within a further period of four weeks.

12. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	31.01.2026
Transmission Date	

