

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1986 of 2026

1. Deodutta Prasad Sah Son of Late Saryug Prasad Sah, Resident of Village- Pipra, Post Office- Pipra, Police Station- Banmankhi, District- Purnia, presently posted as Assistant Teacher, Middle School, Dhodhai Pipra (Banmankhi), Police Station- Purnea, District- Purnea.
2. Ashok Kumar Bharti, Son of Late Ram Narayan Yadav, Resident of Village- Kuthari, Police Station- Banmankhi, District- Purnea. Presently posted as Assistant teacher as Middle School, Mohania Chakla, Anchal- Banmankhi, Police Station- Banmankhi, District- Purnea.
3. Sant Prasad Sah, Son of Late Satyadeo Sah, Resident of Village- Belabadan, Post Office- Pipra, Police Station- Banmankhi, District- Purnea. Presently posted as Assistant teacher at Primary School, Belabadan, Anchal- Banmankhi, Police Station- Banmankhi, 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

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey
For the Respondent/s : AC to SC-21

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 09-02-2026 Heard learned counsel for the petitioner and learned
counsel for 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.

(ii) 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 petitioners submits that the case of the petitioners is squarely covered by the order passed by the Coordinate Bench of this Court in the case of *Mukesh Nandan Madhukar vs. State of Bihar & Ors.* (CWJC No. 2287 of 2025). The relevant portion of the said judgment is extracted hereinbelow:—

“...3. Learned counsel for the petitioners submits that the case of the petitioners 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 petitioners are 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 petitioners, 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 CWJC No.6139 of 2007 dated 31.03.2011, shall be extended to the petitioners 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."



4. On the other hand, learned counsel for the State submits that the petitioner may be directed to make a representation under the Bihar Litigation Policy by appending all supporting materials to demonstrate similarity of his case, and upon finding that the issues involved are similar to those in the cases where directions have been issued and benefits extended, the respondents may be directed to decide the petitioner’s claim in accordance with law.

5. Considering the submissions advanced on behalf of the parties, this Court directs that the case of the petitioner be considered along with the case of *Mukesh Nandan Madhukar vs. State of Bihar & Ors.* (CWJC No. 2287 of 2025) and be adjudicated in accordance with law, upon the petitioner filing a representation within a period of four weeks from today. The competent authority shall thereafter pass a reasoned and speaking order expeditiously.

6. Accordingly, the instant petition stands disposed of.

(Ajit Kumar, J)

shikha/-

U			
---	--	--	--

