

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2190 of 2026

1. Tarique Nadeem Khushter Son of Md. Waiz Ahmad, Resident of Village- Alinagar, P.S- Saharsa, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in New Primary School Gulam Rasul Tola, District- Saharsa, Bihar.
2. Sarfaraz Alam, Son of Md. Mahboob Alam, Resident of Village- Rajanpur, P.S- Mahishi, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in Primary Maktab Islamia Ghordaur Banma Ithari, District- Saharsa, Bihar.
3. Md. Saba Karim, Son of Md. Sifay Tullah, Resident of Village- Chakamaka, P.S- Bakhtiyarpur, District- Saharsa, Bihar, Presently posted as School Teacher in Primary School Maktab Ghordaur Banma Itahari, District- Saharsa, Bihar.
4. Md. Sibghatullah, Son of Md. Ayub, Resident of Village- Piparpanti, P.S- Mahishi, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in Primary School Baghwa, District- Saharsa, Bihar.
5. Md. Ismatullah, Son of Md. Ilias, Resident of Village- Bhelahi, P.S- Mahishi, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in Middle School Baliya Simar, District- Saharsa, Bihar.
6. Manish Kumar Khan, Son of Shyam Sundar Khan, Resident of Village- Bangaon, P.S- Bangaon, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in Ugratara Middle School Mahishi, District- Saharsa, Bihar.
7. Mir Phiroj Alam, Son of Mir Rahman, Resident of Village- Rajanpur, PS- Mahishi, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in Middle School Rajanpur, District- Saharsa, Bihar.
8. Priti Kumari, Daughter of Surya Narayan Yadav, Resident of Village- Kayasthtola, P.S- Saharsa, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in New Primary School Mandir Tola Chharapatti Maheshpur, District- Saharsa, Bihar.
9. Md. Mumtaj Alam, Son of Md. Shami Ahamad, Resident of Village- Rupnagar, P.S- Saharsa, District- Saharsa, Bihar, Presently posted as Exclusive Teacher in Urdu Primary School Sulindabad, District- Saharsa, Bihar.
10. Satyabhama Kumari, Daughter of Satyanarayan Choudhary, Resident of Village- Auria Ramauti (Diwra), P.S- Nawhatta, District- Saharsa, Bihar, Presently posted as Head Teacher in Primary School Patori (Boys), District- Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Department of School Education and Literacy Ministry of Human Resource Development, Government of India.
2. The State of Bihar, through its Principal Secretary, Department of Human Resource Development Bihar, Patna.
3. The Director Primary Education, Department of Human Resource



Development, Bihar, Patna.

4. The Secretary, Department of Finance State of Bihar, Patna.
5. The Additional Chief Secretary, Bihar, Patna.
6. The District Programme Officer (Establishment), Saharsa.
7. The District Education Officer, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Adv.
For the Respondent/s	:	Mr. Amarendra Kumar, CGC
For the State	:	Mr. Prem Ranjan Raj, AC to SC-7

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-02-2026

Heard the parties.

2. The petitioners having been duly appointed as Panchayat Teachers/Primary Teachers working in different schools of different districts, are aggrieved by the inaction of the respondents, who are not extending trained teacher's pay scale to them from the date of passing of their B.Ed or from the date of their appointment as primary teachers, whichever is later, instead of extending the trained teacher's pay scale, after the date of passing six month bridge course.

3. In the aforesaid background, the petitioners have approached this Court by filing the present writ petition(s) for the following reliefs:-

“(i) To issue writ of mandamus directing the respondents to shifting back the date of Trained Teacher's pay scale to the petitioners, from the date of passing



B.Ed or from the date of appointment as Primary Teacher whichever is later in stead of since the date of passing 6 month bridge course (11.06.2019).

(ii) To issue writ of mandamus for payment of arrear of difference of salary with statutory interest for delay payment and all other consequential benefits, calculating Service of Petitioners as trained in light of passing B.Ed in passing 6 month bridge place of since date of course (11.06.2019).

(iii) To issue writ of mandamus directing the respondents to grant same and similar relief as provided in case of one similarly appointed Primary Teacher for class 1-5, Mr. Satyendra Kumar Ojha, vide Memo no. 1790, dated 16.10.2024, (Annexure-P/1) in light order passed in CWJC no.9416/2019, relied upon LPA no.1699 of 2013, affirmed by Hon'ble Apex Court vide S.L.P.(Civil) Diary no.37663/2018.

(iv) To issue any other writ(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4. Learned Advocate for the petitioners submitted that the issue with regard to extending the trained teacher's pay scale from the date of passing of B.Ed has already been given quietus by the learned Division Bench of this Court in LPA No. 1699 of 2013, the relevant extract of the aforementioned decisions is encapsulated hereinbelow:-

“12 We have considered the matter and the facts, as noted above. Firstly, when the Government took a decision to



*give training to untrained teachers, which had certain benefits attached to it, then the Government ought to have done it expeditiously and non- arbitrarily. Then why most of the people, except people from Muzaffarpur district, were sent for a one year full time course and then were granted Matric trained scale but Teachers from Muzaffarpur district were not so sent. They had not done anything to disentitle themselves. Similarly, once they completed the two years module with IGNOU, they ought to have been granted Matric trained scale immediately but again matters were delayed. Then, at the instance of NCTE, they were then required to do further six months course. This was delayed for almost three years by the State. In our view, the petitioners/appellants cannot be made to suffer for the fault of the State. We are only reminded what Chief Justice Chagla said more than half a century back in the case of **All India Groundnut Syndicate Limited -Versus- Commissioner of Income Tax, Bombay City, AIR 1954 Bombay 232 :***

“But the most surprising contention is put forward by the Department that because their own officer failed to discharge his statutory duty, the assessee is deprived of his right which the law has given to him under sub-section (2) of S 24. In other words, the Department wants to benefit from and wants to take advantage of its own default. It is an elementary principle of law that no person - we take it that the Income-tax Department is included in that definition - can put forward his own default in defence to a right asserted by the other party. A person cannot say that the party claiming the right is



deprived of that right because “I have committed a default and the right is lost because of that default.”

13 In order to save injustice and protect the rights of the petitioners/appellants, we would, thus, hold that the judgment of the learned Single Judge would continue to operate. The petitioners/appellants would be entitled to Matric trained scale from the day they completed the two years module. In other words, they would be deemed to be Matric trained teachers from the time the results were declared in respect of the two years course of IGNOU subject to their clearing six months course as later prescribed. They would not be treated as Matric trained either for the purposes of seniority or for financial benefits from the date they finally completed the six months course in the year, 2014 because all that delay was caused by the State in which petitioners/appellants have no role to play.

14 Thus, this appeal is, accordingly, allowed and the judgment of the learned Single Judge, to the extent above, is explained and modified.”

5. In the light of the aforementioned decisions rendered by the learned Division Bench, one Satyendra Kumar Ojha has also approached this Court by filing CWJC No. 9416 of 2019, which came to be disposed off on 04.03.2024 with a direction to the Director, Primary Education, Department of Human Resource Development, Bihar, Patna to pass a reasoned and speaking order, keeping in mind the judgment passed in LPA No. 1699 of



2013. It is specifically contended that said Satyendra Kumar Ojha has been allowed the benefit of trained pay scale from the date of passing the teachers training examination, as has been prayed for in the present writ petition(s). The batch of the writ petitioners unequivocally submitted that their cases are fully covered with the decisions rendered by the learned Division Bench as well as the learned Single Judge in the case of Satyendra Kumar Ojha.

6. Identical issue has also come up for consideration before this Court in CWJC No. 11300 of 2025, wherein the claim of the identically situated persons have been denied, only on account of they being the teachers of different districts. This Court has set-aside the impugned order, whereby the claim of the identically situated persons have been denied on account of the aforesaid reason and directed the Director, Primary Education, Government of Bihar to consider the claim of the petitioners for trained pay scale with effect from the date of their appointment in light of the decision rendered by the learned Division Bench in LPA No. 1699 of 2013 and keeping in mind the Bihar State Litigation Policy, 2011; especially Rule 4.C (1) thereof.

7. Learned Advocate for the State submits that since



the petitioners have already filed a detailed representation, which are pending before the competent authority, who shall look into the matter and take appropriate decision.

8. Having considered the aforementioned submissions led by learned Advocate for the respective parties instead of keeping the matter pending, this Court deems it fit and proper to dispose off the writ petition with a direction to the Director, Primary Education, Government of Bihar, Patna to consider the representation(s) of the petitioners, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order. This Court also directs that the petitioners shall also submit fresh representation along with the order of this Court, within a period of four weeks.

9. On receipt of the representation(s), the respondent no. 3 shall take up the same and pass a reasoned and speaking order, in the light of the above referred decisions passed by the learned Division Bench in LPA No. 1699 of 2013 as well as CWJC No. 9416 of 2019 and CWJC No. 11300 of 2025, including the order contained in Memo No. 1790 dated 16.10.2024, whereby identically situated persons has been allowed the relief, as sought for in the writ petition.

10. The authorities shall also keep in mind the aims



and object of the Bihar State Litigation Policy, 2011, especially Rule 4.C (1) thereof.

11. With the aforesaid direction, all the batch of writ petitions stand disposed off.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.02.2026
Transmission Date	NA

