

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2657 of 2026

1. Kashi Prasad Singh @ Kashi Pd. Singh Son of Late Satanu Singh, Resident of Mohalla Lohiya Nagar, Near Satsang Mandir, Ward No. 12, Police Station Katihar Sadar, District - Katihar. Retired while working as Headmaster from Govt. Upgraded Middle School Gidarmari, Anchal Barari, District - Katihar.
2. Ashok Kumar Mehta, son of Late Dharmdeo Mehta, Resident of Mohalla Lohiyanagar, Barmasia, Police Station- Katihar, District - Katihar. Retired while working as Headmaster from Govt. Adarsh Middle School Salmari, Anchal - Azamnagar, District - Katihar.
3. Ramesh Prasad Singh, Son of Late Yogeshwar Prasad Singh, Resident of Mohalla -Mahanthnagar, Ward No. 09, Police Station Katihar Sadar, District Katihar. Retired while working as Headmaster from Govt. Adarsh Middle School Railway Colony, Katihar, Anchal Katihar, District Katihar.

... .. 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, Purnea Division, Purnea.
6. The District Education Officer, Katihar.
7. The District Programme Officer (Establishment), Katihar.
8. The District Accounts Officer, Katihar.
9. The District Treasury Officer, Katihar.
10. The Accountant General, Birchand Patel Path, Bihar, Patna.
11. The Senior Accounts Officer, office of the Accountant General, Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, Government Pleader (25)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the respondent-State and learned



counsel for the Accountant General.

2. With consent of the parties, the present writ application is being disposed of at this stage itself.

3. The petitioner has prayed for grant of following relief :-

“1. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to shift the date of promotion of the petitioners in graduate trained pay scale since 2002 i.e. after completion of eight years of service and the scale of Headmaster since 2007 as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993 in the light of the order passed by this Hon'ble High Court in the case of similarly situated teachers vide CWJC No. 15610 of 2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others), as the petitioners had been appointed by through Bihar Public Service Commission, Bihar, Patna in the year 1994 but their promotion in the graduate trained pay scale and in the scale of Headmaster has not been shifted from the due date of their entitlement even though several similarly situated teachers or even junior to the petitioners in other districts, have already been given the promotion from the due date of their entitlement along with all consequential and monetary benefits.

(II) For issuance of an appropriate writ in the nature of certiorari for quashing the part of memo no. 218 dated 27.02.2023 issued by the Director, Primary Education, Govt. of Bihar, Patna, if that is coming in the way, by which, the decision has been taken to provide the benefit of promotion in graduate trained pay scale in compliance of the order passed by this Hon'ble High Court in CWJC No. 15610/2018 (Raghvendra Sharma and Others vs. the State of Bihar) only to such teachers, who have already been recommended and granted the said scale of graduate



trained pay prior to 2019, as the direction is not just and proper especially when several similarly in other districts who were appointed along with the petitioners in the year 1994 and junior to the petitioners have been extended the benefits of graduate trained pay scale and the scale of Headmaster and such a direction that only those teachers, who had already been recommended and provided the promotion will be given the benefits of order passed in CWJC No. 15610/2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others) is violative of the decision of Chief Justice Chhagala of Bombay High Court in the case of All India Groundnut Syndicate Ltd. Vs. Commissioner of Income Tax, Bombay City; AIR 1954 Bom. 232 wherein, it has been held that one cannot take advantage of his own wrong in defeating the genuine claim.

(III) 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 petitioners in the light of the order passed by this Hon'ble High Court in CWJC No. 15610 of 2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others) and grant all monetary and consequential benefits of promotion of graduate trained pay scale and the scale of Headmaster by shifting the said promotion from the due date of their entitlement since when several similarly situated /junior to the petitioners have been provided the promotion in the graduate trained pay scale and the scale of Headmasters and also to pay the differences of arrears of salary and differences of pensionary benefits as well as for revision in monthly pension as all the petitioners have retired from service while discharging their duties in different schools in the district of Katihar.

(IV) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents for implementation of memo no. 592 dated 10.05.2013 issued by the Director, Primary Education, Govt. of Bihar, Patna, by which, there is direction that if junior teacher has been promoted the senior teacher will also be given the same and similar benefits from the date since when the juniors have been



granted the said benefits.

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

4. Learned counsel appearing for the petitioners submits that the issue involved in the present writ application is no longer res integra as the same has already been decided / settled in **C.W.J.C. No.15610 of 2018 (Radhavendra Sharma and Ors. Vs. State of Bihar & Ors.)**. He further submits that for seeking the aforesaid relief claimed in the present writ application, the petitioners have already filed a representation before the District Education Officer, Katihar (respondent No.6) as well as before the District Programme Officer (Establishment), Katihar (respondent No.7) and the same continues to be pending. He, therefore, submits that the petitioner would be satisfied if an appropriate direction could be issued by this Court to the District Education Officer, Katihar (respondent No.6) as well as to the District Programme Officer (Establishment), Katihar (respondent No.7) for disposing of the pending representation of the petitioners which has been brought on record by way of Annexure-10 series in light of the Judgment of this Court passed in **C.W.J.C. No.15610 of 2018 (Raghvendra Sharma & Ors. Vs. State of Bihar & Ors.)** after



giving an opportunity of hearing to the petitioners, within a fixed time frame.

5. To the aforesaid submissions made by learned counsel appearing for the petitioners, learned counsel appearing on behalf of the respondent-State and respondent-Accountant General do not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioners, this writ application stands disposed of directing the District Education Officer, Katihar (respondent No.6) as well as to the District Programme Officer (Establishment), Katihar (respondent No.7) to dispose of the pending representations of the petitioners (Annexure-10 series) in light of the judgment of this Court delivered in **C.W.J.C. No.15610 of 2018 (Raghvendra Sharma & Ors. Vs. State of Bihar & Ors.)** within a period of three months from the date of receipt / production of a copy of this order after giving an opportunity of hearing to the petitioners.

7. Needless to emphasize that the final order which shall be passed by the District Education Officer, Katihar (respondent No.6) and by the District Programme Officer (Establishment), Katihar (respondent No.7) should be reasoned and speaking order. It is further made clear that in case the



petitioners are found entitled to the relief which the petitioners have claimed through their representations, then the same should be extended to the petitioners within a maximum period of three months from the date of passing of the final order by District Education Officer, Katihar (respondent No.6) and the District Programme Officer (Establishment), Katihar (respondent No.7).

8. With the aforesaid observation/direction and liberty granted, the present writ application stands disposed of.

9. All pending I.A.s, if any, is deemed to have been disposed of.

(Alok Kumar Sinha, J)

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