

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2462 of 2026

1. Sitaram Prasad Son of Shri Ramesh Mahato, Resident of Village - Pipariya, Post Office- Sapahi, Police Station Turkauliya, District- East Champaran, At present posted and working as Headmaster in Govt. Upgraded Middle School Kawalpur Urdu, Anchal Turkauliya, District- East Champaran at Motihari.
2. Sanjay Kumar Nirala, Son of Late Prabhulal Prasad, Resident of Village - Mishrauliya, Police Station- Chiraiya, Distt.- East Champaran, Motihari, At present posted and working as Headmaster in Govt. Middle School Mahuawa, Block- Chiraiya, Distt.- East Champaran, Motihari.
3. Bhuneshwar Prasad, Son of Late Pran Sah, Resident of Village - Areraj, Shiv Mandir, Ward No. 10, Post Office - Areraj, Police Station - Areraj, District -East Champaran at Motihari, At present posted and working as Headmaster in Govt. Middle School Bhada (Boys), Anchal Harsidhi, District- East Champaran, Motihari.

... .. 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, Tirhut Division, Muzaffarpur.
6. The District Education Officer, East Champaran at Motihari.
7. The District Programme Officer (Establishment), East Champaran at Motihari.
8. The District Accounts Officer, East Champaran at Motihari.
9. The District Treasury Officer, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr. Standing Counsel 21

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 12-02-2026 Heard learned counsel for the parties.

2. The writ petition has been filed for the following



relief:-

“I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to hold and declare that, the claim / prayer of the petitioners for extending the Notional benefit of Matric Trained Scale of Pay (for the period 01.10.2003 to 31.07.2007), for the purpose of protection of Seniority vis-a-vis, their batch mates & counterparts & Juniors, is squarely covered by the ratio of the Judgment & Order dated 10.12.2018 of this Hon'ble Court in LPA No. 1409 of 2017 & Order dated 27.05.2019 in CWJC No. 3727 of 2015.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents concerned to fix the date of grant of Matric Trained Scale of Pay to the Petitioner', 'Notionally' w.e.f. 01.10.2003 & monetary benefit of said fixation w.e.f. 31.07.2007 i.e., in such a manner for the period 01.10.2003 to 31.07.2007, that the Seniority of the Petitioners should not be adversely affected, And, upon such fixation Respondents concerned may further be directed to shift back the effective date of Promotion of the Petitioners', in Trained Graduate Scale of Pay, (w.e.f. the date, on which, persons who have passed the in-service teachers training



examination in 1st attempt/similarly situated persons have been promoted and grant all other consequential benefits.

III. 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. Counsel for the petitioners submits that in view of the judgment rendered by Hon’ble Division Bench in ***LPA No. 1409 of 2017 (Raj Narain Singh & Ors. Vs. The State of Bihar & Ors.)***, the issues with regard to effective date of actual promotion have been redressed and the petitioners are entitled to Matric Trained Scale notionally with effect from 01.10.2003 but, the monetary benefits of such fixation, for which these petitioners are entitled with effect from 31.07.2007 but, for no obvious reasons, has till date not been extended.

4. It is the case of the petitioners that there is already a representation filed with all supporting materials but, the authorities are sitting tight over the matter and grievances of the petitioners has not yet been adjudicated.

5. On the other hand, counsel for the State submits that under 4(c)(i) of the Bihar Litigation Policy, the petitioners may be directed to file appropriate representation, which shall



be adjudicated in terms of the issues judicially settled vide LPA No. 1409 of 2017 and other related orders passed by the Co-ordinate Bench of this Court relying upon the same.

6. Considering the submissions of the parties, this Court finds it appropriate to direct the petitioners to file appropriate representation under 4(c)(i) of the Bihar Litigation Policy for adjudication of their grievances with all supportive materials, giving reference to the earlier representations filed in this regard and, on filing of such representation within a period of two weeks from today, the issues of these petitioners with regard to grant of Matric Trained Pay-scale (notionally) and, as also, the actual monetary benefit, the same shall strictly be adjudicated in terms of the judgment rendered by the Hon'ble Division Bench in the case of Raj Narain Singh (supra) and necessary order shall be passed and if the petitioners are found entitled for the benefits, the same shall also be extended to them within a period of eight weeks thereafter.

7. The writ petition accordingly disposed of.

(Ajit Kumar, J)

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