

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.129 of 2025

In
Civil Writ Jurisdiction Case No.19091 of 2014

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1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
 3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
 4. The Director (Primary Education), Government of Bihar, Patna.
 5. The District Education Officer, Patna.
 6. The District Programme Officer (Establishment), Patna.

... .. Appellant/s

Versus

Ramashankar Gupta S/o Sri Sheomuni Sah R/o Mohalla Salempur Dumra,
P.O. B.V. College, P.S.-Airport, Rajabajar, District Patna, Presently Posted in
Navsrijit Primary School Bank, Maner, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, Sr. Adv. Mr. Prashant Pratap, Adv.
For the Respondent/s	:	Mr. Amarendra Kumar, Adv. Mr. Ujjawal Bhushan, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-02-2026

The present Letters Patent Appeal has been filed by the State of Bihar, challenging the order of the learned Single Judge dated 30.01.2024 passed in CWJC No.19091 of 2014.

2. The original writ petition was filed by the respondent, Ramashankar Gupta, seeking a mandamus directing to the respondent-State to grant him matric trained scale of pay w.e.f. the



date the other similarly situated untrained teachers were granted the same i.e. 01.10.2003 along with all consequential benefits.

3. It is the case of the petitioner that he was appointed to the post of Assistant Teacher in the district of Saharsa vide memo no.619-14 dated 11.04.2000 by the District Superintendent of Education, Saharsa, following the recommendation of the B.P.S.C. The State Government vide Notification No.2055 dated 01.10.1991, promulgated the Bihar Elementary School Appointment Rules 1991 which prescribed the minimum requisite qualification as 45% marks in matriculation or equivalent. The petitioner further contends that subsequent to his appointment, he was sent for training during 2000-2001 session and completed his training successfully. The examination of the training course was conducted in the year 2004 and the result were published on 20.06.2005. It is the further case of the writ petitioner that he completed the intermediate Arts in the year 2009 and B.A. in the year 2012.

4. The petitioner seeks relief primarily on the grounds of parity, contending that the present matter is squarely covered by the ratio decidendi in *Chandrakant & others Vs. The State of Bihar & Others* reported in *2010 (4) P.L.J.R.732*. In the aforementioned precedent, this Court granted relief to the



petitioners therein and the petitioner herein asserts that his circumstances are identical in nature. It is further the case of the writ petitioner that the Department issued Letter no.122 dated 10.02.2012, pursuant to which the benefits of the Resolution no. 790 dated 29.07.2011 were extended to all the untrained appointees who successfully cleared their training examination till June, 2005 given that the petitioner was declared successful in the examination in the first attempt, but his pay scale was subsequently fixed in the 'Matric Trained Scale' by the concerned Drawing and Disbursing Officer w.e.f. the date of publication of the result of the training i.e. 20.06.2005. The grounds raised in the writ petition emphasize that the action of the Respondents specifically in granting the trained scale w.e.f. the date of passing of the training examination is manifestly arbitrary and discriminatory. Such actions creates an unlawful classification, particularly as peers appointed alongside the petitioner have already been promoted to the cadre of Headmaster within the district. Aggrieved by this disparity, the petitioner formally filed a representation before the respondents for redressal of his grievance, but nothing productive came out of it.

5. After issuance of notice a counter affidavit was filed by the respondent no.4, the Deputy Director, Primary Education,



Government of Bihar, Patna, wherein the State took a categorical stand that the petitioner at the time of his appointment on 11.04.2000, possessed only the qualification of Matriculate and completed his Intermediate Arts in 2009 and B.A. in 2012; however, at the material time, he did not qualify as a teacher with higher academic credentials. Consequently, the petitioner was granted the benefit of trained scale effective from the date of passing of the training on 20.06.2005. The respondent maintains that there is no ambiguity and patent illegality in this determination. The petitioner's claim for the trained scale effective from 01.10.2003 is untenable and legally unsustainable, as he was neither trained nor held higher qualification as on 01.10.2003. Respondent no.4 further contended that the allegation of discrimination is wholly misconceived. It is submitted that the benefit of notional trained scale was restricted to those possessing higher qualification and was not applicable to "Matric Untrained" candidates such as the petitioner. It was further stated in the counter affidavit that "Unequals cannot be treated equally" arguing that a holder of the minimum qualification (Matriculate) cannot claim parity with those holding higher qualifications in matters of grant of pay scale and notional benefits. Therefore, the claim of the writ petitioner for treatment of trained teacher with effect from



01.10.2003 is misconceived as he completed his training successfully on 20.06.2005.

6. The writ petitioner subsequently filed a rejoinder affidavit in response to the counter filed by the respondent no.4, wherein he reiterated and reaffirmed that his case is squarely covered by the precedents of ***Chandrakant & others Vs. The State of Bihar & Others*** and ***Ramakant Yadav Vs. The State of Bihar & Others*** 2014 (1) PLJR 423. The latter was disposed of on 03.01.2014 clarifying that pursuant to the order passed in LPA No.412 of 2003, benefits were to be extended to all individuals who appeared for and cleared the 2004 training examination.

7. The learned Single Judge in the impugned order after considering the rival contentions raised by the learned counsel for the respective parties, observed as follows:

“8. The case of the petitioner in brief is that having completed his teachers training in the year 2000-01 session, the examinations for the same were held only in the year 2004. The delay in holding of the exams and publication of the result thereof on 20.6.2005 is solely attributable to the respondents and the petitioner cannot be made to suffer for the same and the respondents cannot take benefit of their fault by granting the financial benefits of matric trained scale to the petitioner only from 20.6.2005. The contention being that either the petitioner be granted the benefits of matric trained scale from an earlier date or at least w.e.f. 1.10.2003 ie the date on which the petitioners of the case of Chandra Kant (supra) were granted the said benefit.

9. Coming to the decision in the case of Chandra Kant (supra), it may be stated here that Rule



11 of the Bihar Elementary School Teachers Appointment Rules, 1991 provides for appointment of trained candidate in matric trained scale and of untrained candidates in matric untrained scale. It further stipulates that the service of the untrained appointees will be terminated, if without sufficient reasons they did not participate in the training when required to do so and further after training, an examination shall be held and those candidates who failed therein will be afforded another opportunity. If they fail again then their services will be terminated. After passing of the examination, the candidates shall be granted the matric trained scale.

10. The learned Division Bench in considering Rule 11 of the Bihar Elementary School Teachers Appointment Rules held that there was no dispute with respect to the fact that the untrained teachers could get the higher scale only on fulfilling the conditions prescribed in Rule 11 ie only on passing the training examination. However, at the same time, the learned Division Bench found merit in the submission advanced on behalf of the appellant in the said case that when the examination could not be held within two years inspite of the direction of the Apex Court, the State Government which has the necessary powers must relax Rule 11 of the Rules as a one time measure and take a prompt decision to grant matric trained scale to the teachers who have passed the in-service training examination in June, 2005 from any date which may be found suitable and reasonable so as not to affect such teachers adversely for the unusual delay in holding the training examination. It accordingly directed the respondents to take appropriate decision in the light of the observations and directions indicated therein. Paragraph nos.30 and 31 in the judgment of Chandra Kant (supra) are reproduced herein below for ready reference:

“30. Coming to the last issue, we find merit in the submission advanced on behalf of the appellants that due to inability of the State Government to hold the required examination within a reasonable time, the appellants who were successful, have suffered undue hardship. In that view of the matter, when the examination could not be held within



two years in spite of directions of the Apex Court and even later, as per directions of this Court, we are of the view that the State Government which has the necessary powers, must take steps to relax Rule 11 of the Rules as a one time measure within a reasonable time and take a prompt decision to grant matric trained scale to the teachers who have passed the in-service training examination in June, 2005 from any date which may be found suitable and reasonable so as not to affect such teachers adversely for the unusual delay in holding the training examination. It would be reasonable and appropriate to grant matric trained scale to such teachers as indicated above from any reasonable date, may be from the date when the period of two years fixed by the Apex Court for completing the training of such teachers expired without compliance or even from 1-10-2003, i.e. when actual payment in Matric trained scale was stopped. Keeping in view the requirements of Article 14 of the constitution, benefit of advancing the date for grant of Matric trained scale, as indicated above will also be made available to such teachers who may pass the training examination in the second attempt. For them the date will vary but benefit should be on same lines as given to those who have passed in the first attempt.

31. We, accordingly direct the respondents to take appropriate decision in the light of observations and directions indicated above within three months from today."

11. Subsequently, in the case of Ramakant Yadav vs. State of Bihar and others (2014 (1) PLJR 423), the question arose as to whether the benefit for grant of matric trained scale from 1.10.2013 to teachers appointed as untrained is available only to those appointed in the year 1994 and earlier or will it also be available to untrained appointees after 1994 provided they had passed the in-service training examination till 2005. The Division Bench of this Court took note of the judgment in the case of



Chandra Kant (supra) and held that the benefit of matric trained scale from 1.10.2003 was extended for one time relaxation of Rule 11 not only to persons appointed only in 1994 but also to those appointed till the year 2000 who had cleared the in-service training examination in June, 2005. The Division Bench taking note of the fact that the judgment in the case of Chandra Kant (supra) had attained finality, not having been questioned by anyone, in paragraph no.7 in the case of Ramakant Yadav (supra) proceeded to hold as follows:

“7. After Chandrakant (supra) the respondents issued notifications dated 29.7.2011 and 10.2.2012. Cumulatively the benefit of Matric trained scale from 1.10.2003 was extended by one time relaxation of Rule 11, to persons appointed not only in 1994 but also to those appointed till the year 2000 but who had cleared the in-service training examination in June, 2005, or from the relevant date for those who passed in the second attempt.”

12. So far as the facts of the instant case is concerned, the petitioner was appointed as an Assistant Teacher on 11.4.2000. Though he was sent for training in the 2000-01 session, however, the examination for the same was conducted by the respondents only in the year 2004 and the result of the same published on 20.6.2005. The petitioner had cleared his training examination in his first attempt.

13. In view of the facts and circumstances of the case as also in view of the observation of the Division Bench of this Court as held in paragraph nos.30 and 31 in the case of Chandra Kant (supra) as quoted herein above and in paragraph no.7 in the case of Ramakant Yadav (supra) as quoted herein above, this Court is of the opinion that the petitioner has made out a case for grant of relief in similar terms as in the case of Chandra Kant (supra) ie for grant of trained scale at least from 1.10.2003.

14. Thus, in the facts and circumstances of the case, the writ application is allowed with a direction to the respondents to grant matric trained scale to the petitioner from 1.10.2003 and the financial benefits be paid to the petitioner within a period of



four months from the date of receipt/production of a copy of this order.”

8. The learned Advocate General, appearing on behalf of the State submitted a written note asserting that the factual matrix in the case of **Chandrakant & Ramakant Yadav** is distinguishable from that of the writ petitioner. The primary contention raised by the learned Advocate General is that the individuals in the Chandrakant case (Supra) as well as Ramakant Yadav case (Supra) possessed superior qualification whereas the writ petitioner was merely a matriculate as on the date of his appointment. The timeline of the petitioner's progression is as follows:

- Training period-Attended training session during 2000-2001.
- Examination – Appeared in 2004.
- Results – The results for the petitioner and similarly situated candidates were officially published on June 20, 2005.

While the petitioner seeks parity with the relief granted in Chandrakant case (Supra) as well as Ramakant Yadav case (Supra)-specifically the implementation of the matric trained scale effective from 01.10.2003 whereas the State Government fixed the matric trained scale in case of the writ petitioner from the date of publication of the training result on 20.06.2005 in strict adherence



to the statutory mandate of the Bihar Elementary School Appointment Rules, 1991. Consequently the learned Advocate General contended that since the respondent/writ petitioner is not covered with the judgments of Chandrakant case (Supra) as well as Ramakant Yadav case (Supra) as he did not hold the higher qualification at the time of his appointment, the precedents relied upon by him are inapplicable. It was further argued that the relief granted by the learned Single Judge was founded upon an erroneous application of law to these specific facts, and therefore, cannot be sustained.

9. In the case of ***Chandrakant & others Vs. The State of Bihar & Others*** reported in ***2010 (4) P.L.J.R.732***, the Division Bench of this Court while adjudicating upon this specific legal issue, observed as follows:

“29. In view of aforesaid discussions and findings, we find ourselves in agreement with the views of the learned single judge that grant of lower scale of pay to untrained teachers is in conformity with rule 11 of the Rules and is also based on sound reasons. Hence, it is not possible to issue a writ of mandamus to implement the recommendations of the FAC. Grant of matric trained scale to untrained teachers cannot be directed by this Court, particularly due to provisions in the



Rules. In that view of the matter the Apex Court also in the case of Ram Vijay Kumar v. State of Bihar (supra) directed only for completing the training of untrained teachers within two years.

30. Coming to the last issue, we find merit in the submission advanced on behalf of the appellants that due to inability of the State Government to hold the required examination within a reasonable time, the appellants who were successful, have suffered undue hardship. In that view of the matter, when the examination could not be held within two years in spite of directions of the Apex Court and even later, as per directions of this Court, we are of the view that the State Government which has the necessary powers, must take steps to relax rule 11 of the Rules as a one time measure within a reasonable time and take a prompt decision to grant matric trained scale to the teachers who have passed the in-service training examination in June, 2005 from any date which may be found suitable and reasonable so as not to affect such teachers adversely for the unusual delay in holding the training examination. It would be reasonable and appropriate to grant matric trained scale to such teachers as indicated above from any reasonable date, may be from the date when the period of two years fixed by the Apex Court



for completing the training of such teachers expired without compliance or even from 1-10-2003, i.e. when actual payment in Matric trained scale was stopped. Keeping in view the requirements of Article 14 of the constitution, benefit of advancing the date for grant of Matric trained scale, as indicated above will also be made available to such teachers who may pass the training examination in the second attempt. For them the date will vary but benefit should be on same lines as given to those who have passed in the first attempt.

31. We, accordingly direct the respondents to take appropriate decision in the light of observations and directions indicated above within three months from today.”

10. In the case of ***Ramakant Yadav Vs. The State of Bihar & Others*** reported in 2014 (1) PLJR 423, this Court has not only relied upon the Division Bench decision in Chandrakant case (Supra), but also held as follows:

“6. The application is opposed by learned counsel appearing for the respondents-State of Bihar who submits that at the time of his appointment on 11.4.2000, the petitioner was only a matriculate and he completed his I.A. in the year 2009 and B.A. in the year 2012. As such, the petitioner cannot be said to be a teacher with higher qualification and thus rightly got the benefit of matric trained scale from the date of passing of his training examination on 20.6.2005. Learned counsel further submitted that so far as the judgment in the case of Chandra Kant (supra) is concerned, the same is not applicable in case of the petitioner. The petitioners in the said case, though



were untrained assistant teachers having been appointed in elementary schools however, all of them were possessing higher qualification of Intermediate, Graduate or Post Graduate which the petitioner of the instant case did not possess. They were granted matric trained scale for some period which was subsequently stopped and orders were passed for recovery in 20 equal instalments of the benefit/amount disbursed to them. It was on those facts that the said case was filed and it was in the peculiar facts of that case that the observation was made which is being wrongly relied upon by the learned counsel for the petitioner herein. Learned counsel for the respondents further submitted that the allegation of discrimination is misconceived and misplaced. Benefit of matric trained scale was given only to those untrained teachers who possessed higher qualification. Grant of similar benefit to the petitioner would be treating two unequals as equal. Learned counsel finally submits that the State Government came out with a resolution dated 5.1.2015 taking into consideration the decisions of this Court in the case of Chandra Kant (supra) and Rama Kant Yadav (supra) as also the resolutions dated 29.7.2011 and 13.9.2013. It provides that those persons with higher qualification who were appointed as per the Bihar Primary School Teachers Appointment Rules, 1991 prior to 5.9.1997 ie the date of decision in SLP no.23187/1996 and who had cleared the training examination in their first attempt would be granted notional benefit of matric trained scale for the period 5.9.1999 to 30.9.2003 and financial benefits w.e.f. 1.10.2003. Those who had cleared their examination after 5.9.1997 but in their first attempt would also get the benefit of matric trained scale w.e.f. 1.10.2003. Those teachers who did not clear their training examination in the year 2004 or who did not appear in the training examination in the year 2004 but cleared the same in the year 2007 will be granted benefit of matric trained scale from the date of the examination ie 31.7.2007. The resolution finally stated that the benefits granted to the teachers would be subject to the result of the review petition.

7. Having heard Mr. Amarendra Kumar, learned counsel for the petitioner and Mr. Gyan Shankar, learned A.C. to G.P.6 appearing for the State-respondents, the relevant facts for the purpose of the instant application are that on the recommendation of the BPSC, the petitioner was appointed as an Assistant Teacher in the district of Saharsa on 11.4.2000. He was sent for training in the 2000-01 session for which the examinations were held in the year 2004 and the results were published on



20.6.2005. The petitioner cleared his training examination in his first attempt.

9. Coming to the decision in the case of Chandra Kant (supra), it may be stated here that Rule 11 of the Bihar Elementary School Teachers Appointment Rules, 1991 provides for appointment of trained candidate in matric trained scale and of untrained candidates in matric untrained scale. It further stipulates that the service of the untrained appointees will be terminated, if without sufficient reasons they did not participate in the training when required to do so and further after training, an examination shall be held and those candidates who failed therein will be afforded another opportunity. If they fail again then their services will be terminated. After passing of the examination, the candidates shall be granted the matric trained scale.”

11. The learned counsel for the respondent on the other hand submitted that there is no palpable illegality or perversity in the order of the learned Single Judge and the learned Single Judge is quite justified in relying on the judgments of this Court in the case of Chandrakant as well as Ramakant Yadav and therefore, the Letters Patent Appeal should be dismissed.

12. Upon a through examination of the ratio decidendi of the aforementioned precedents applied to the present factual matrix, this Court finds that the learned Single Judge was well within bounds of justice in granting the matriculate trained scale to the writ petitioner effective from 01.10.2003 and further directing the financial benefit to be paid to the petitioner. Since the scope of interference in the Letters Patent Appeal is inherently limited. The appellate jurisdiction under this framework is corrective in nature and is reserved strictly for the rectification of palpable error or



legal infirmities. In the absence of any discernible illegality or manifest error in the order passed by the learned Single Judge, this Court finds no grounds for intervention. Accordingly, the Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

Prakash Narayan

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