

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2690 of 2026

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Dilip Kumar Singh Son of Late Deep Narayan Singh, Resident of Village- Mahuani, Police Station- Awatar Nagar, District- Saran at Chapra. At present posted and working as an Assistant Teacher in Govt. Primary School Barbanna, Anchal- Dighwara, District- Saran at Chapra.

... .. 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, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The District Programme Officer (Establishment), -cum-the Member Secretary of District Teachers Promotion Committee, Saran at Chapra.
9. The District Accounts Officer, Saran at Chapra.
10. The District Treasury Officer, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv
For the Respondent/s : Mr. K.K. Singh, AC to Government Pleader (22)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
counsel for the respondent-State.

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

3. In the present writ application, the petitioner has



prayed for the grant of following reliefs:

(i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to promote the petitioner in the scale of graduate trained pay on the basis of his qualification of Sahitya Alankar (equivalent to graduation) from Hindi Vidyapeeth, Deoghar, Jharkhand after eight years of service in matric trained pay scale i.e. since 2002 or any convenient date and thereafter in the scale of Headmaster from the due date of his entitlement 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 petitioner had joined as an Assistant on compassionate ground on 13.05.1994 and had passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand in the year 1996 and as the said degree is recognized upto 2016 for all purposes as per the decision of C.W.J.C. No. 16183/2012 (Raj Ranjan and Others vs. the State of Bihar and Others), the petitioner is entitled for grant of



promotion in the scale of graduate trained pay on the basis of his equalization of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and also the scale of Headmaster from the due date of his entitlement as several similarly situated teachers' or even junior to the petitioner, who were also having the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, have already been given the actual benefits under the aforesaid order of the Hon'ble High Court but the petitioner has been deprived till date.

(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, 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 situated teachers, who were appointed along with the



petitioner 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 since the petitioner only because he is having the qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand had earlier been deprived of their promotion and, therefore, 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 petitioner 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 by providing the aforesaid scale i.e. graduate trained pay on the basis of his qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand since 2002 or since when several similarly situated /junior to the petitioner has been extended the said benefit and also to provide the scale of Headmaster from the due date of his entitlement.

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the direction of the Director, Primary Education, Bihar, Patna by which, there is direction for compliance 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) for providing the benefits of graduate trained pay scale and the scale of Headmaster as per Bihar Nationalized Elementary Teachers Promotion Rule, 1993 and also 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 an appropriate writ as an alternative prayer of the petitioner for direction to the respondent authorities concerned to dispose of his representation by reasoned and speaking order by ventilating his genuine grievances for grant of scale of graduate trained pay after completion of eight years of service i.e. since 2002 on the basis of his qualification of Sahitya Alankar (equivalent to graduation), which is recognized for all purposes upto 2016 and also to provide the scale of Headmaster from the due date of his entitlement.

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

4. Learned counsel for the petitioner draws the attention of this Court to paragraph 31 of the writ application in which it is stated as follows:

“31. That the petitioner for his promotion in the scale of graduate trained pay from the due date of his entitlement and the scale of Headmaster from the due date of his entitlement has duly filled up the formant



and had represented before the District Education Officer, Saran at Chapra and also annexed the relevant document for grant of graduate trained pay scale and the scale of Headmaster and the said representation of the petitioner was forwarded by the Headmaster, marked middle school i.e. Adarsh Middle School, Dighwara, Saran at Chapra to the District Programme Officer (Establishment), Saran at Chapra and the copy of the same was received in his office on 19.05.2023.”

5. Buttressing the argument, learned counsel for the petitioner further submits that on the basis of the recommendation given in favour of the petitioner vide letter dated 18.05.2023 by the Headmaster of the school, representation was filed by the petitioner before the District Education Officer, Saran and District Programme Officer (Establishment), Saran on 19.05.2023. Both these documents have been brought on record by way of Annexure-18 series. He further submits that despite the fact that the representation was filed by the petitioner on 19.05.2023, the same continues to be pending. Learned counsel appearing for the petitioner further submits that the petitioner would be satisfied if an appropriate direction be issued to the District Education Officer, Saran and



District Programme Officer (Establishment), Saran to dispose of the pending representations of the petitioner within a fixed time frame, after giving an opportunity of hearing to the petitioner.

6. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for the respondent-State does not have any objection.

7. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of directing the District Education Officer, Saran and District Programme Officer (Establishment), Saran to dispose of the pending representations of the petitioner dated 19.05.2023 vide Annexure-18 series, within three months from the date of production of a copy of this order by the petitioner, after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the District Education Officer, Saran and District Programme Officer (Establishment), Saran should be a reasoned and speaking order. It is further made clear that in case, the petitioner is found entitled to the relief, the same shall be extended to the petitioner within a further period of one month from the date of passing of the final order.

8. With the aforesaid observation/direction, this writ



application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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