

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4528 of 2026

Pushpa Kumari Wife of Shri Shashikant Kumar, Resident of Village Rahampur, Basant, Police Station Garkha, District - Saran at Chapra. At present posted and working as an Assistant Teacher in Govt. Middle School Rahampur, Anchal Garkha, 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

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra
For the State	:	Mr.Addl. Advocate General (05)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-04-2026 Heard the learned counsel for the petitioner and the
learned counsel appearing for the respondent-State.

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

3. The petitioner, in the present writ application has
prayed for grant of following reliefs:-



“1. For issuance of an appropriate writ in the nature of mandamus for commanding and the respondent authorities concerned to consider and promote the petitioner in the scale of graduate trained pay on the basis of her 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 and thereafter in the scale of Headmaster from the due date of her 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 Teacher on 19.09.1994 on the basis of her recommendation by the Bihar Public Service Commission, Bihar, Patna and had passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand in the year 2000 and as the said degree is recognized upto 2016 for all purposes as per the decision of CWJ.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 her qualification of Sahitya Alankar from Hindi



Vidyapeeth, Deoghar, Jharkhand and also the scale of Headmaster from the due date of her entitlement as several similarly situated teachers' or even junior to the petitioner, who were appointed in the year 1994 eight through Bihar Public Service Commission, Bihar, Patna have already been given the actual benefits under the aforesaid order the Hon'ble High Court but the petitioner has been deprived till date and furthermore, the aforesaid teachers of C.W.J.C. No. 16183/2012 (Raj Ranjan and Others vs. the State of Bihar and Others), have already been extended the benefits of graduate trained pay scale and the scale of Headmaster and the petitioner being similarly situated teacher, she is also entitled for same and similar relief under Bihar Litigation Policy, 2011 Rule 4 (C) II. For issuance of an appropriate writ in the nature of certiorari for quashing the part of letter no. 218 dated 27.02.2023 issued by Letter 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, 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 petitioner have been extended the benefits of graduate trained pay scale and the scale of Headmaster and since the petitioner only because she was having the qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand had earlier been deprived of her promotion and, therefore, such a direction that only those teachers, 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 le graduate trained pay on the basis of her qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand since 2002 or since when several similarly situated /junior to the petitioner have been extended the said benefit and also to provide the scale of Headmaster from the due date of her 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 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. While advancing argument, the learned counsel for the petitioner submits that the issue involved in the present writ application is squarely covered by a judgment and order dated 19.02.2026 passed in CWJC No. 2690 of 2026 and, therefore, he humbly prays that the present writ application be disposed of in terms of the said judgment.

5. The learned counsel appearing for the respondent-State, after going through the judgment and order dated 19.02.2026 passed in CWJC No. 2690 of 2026, submits that he has no objection to the submission being made by the learned counsel for the petitioner.

6. Considering the submissions made by both the parties, the present writ application is disposed of in terms of the judgment and order dated 19.02.2026 passed in CWJC No. 2690 of 2026 and this writ application is disposed of, directing the District Education Officer, Saran at Chapra and the District Programme Officer (Establishment) Saran at Chapra to dispose of the pending representation of the petitioner dated 24.09.2024



(Annexure-P/18) within three months from the date of receipt/production of a copy of this order by the petitioner, after giving an opportunity of hearing to the petitioner.

7. Needless to emphasize that the final order, which would be passed by the District Education Officer, Saran at Chapra and the District Programme Officer (Establishment) Saran at Chapra, should be a reasoned and speaking order.

8. It is further made clear that in case the petitioner is found entitled to the reliefs, the shall be extended to the petitioner within a further period of one month from the date of passing of the final order.

9. With the aforesaid observation/direction, the present writ application stands disposed of.

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

(Alok Kumar Sinha, J)

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