

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3521 of 2026

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Meena Kumari Wife of Jai Shankar Prasad, Resident of Village and Post Office-Haraji, Police Station-Awatarnagar, District-Saran at Chapra. At present posted and working as Assistant Teacher in Govt. Kanya Primary School Chaknoor, 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. Prashant Pratap, GP2

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-03-2026 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 grant senior scale/time bound promotion/ACP/MACP to the petitioner after completion of 12 years of service as an assistant teacher in the matric untrained post in the light of the Bihar Elementary School Teacher's Promotion Rule, 1993.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the memo no. 289 dated 22.02.2019 issued under the signature of the Joint Secretary, Education Department, Bihar, Patna as well as memo no. 1160 dated 03.09.2019 issued under the signature of the Director Primary Education, Bihar, Patna and pay the consequential benefits which has been issued in compliance of order passed by this Hon'ble High Court in CWJC No. 6139/2007 Ram Ashis Tiwary & Ors Vs. The State of Bihar & Ors and the same has been affirmed upto the Hon'ble Apex Court.

III. For issuance of an appropriate writ as an alternative prayer for commanding and directing the respondent authorities concerned to provide the same and similar benefits under Bihar State Litigation Policy, 2011 under Rule 4(c) (i), as per the direction of the Hon'ble High Court, Patna passed in similarly situated teachers, orders dated 31.03.2011 passed in CWJC No. 6139/2007 Ram Ashis Tiwary & Ors Vs. The State of Bihar & Ors.

IV. For issuance of an appropriate writ in the



nature of mandamus for commanding and directing the respondent authorities either the District Education Officer, Saran at Chapra or the District Programme Officer (Establishment), Saran at Chapra to provide senior pay scale after completion of 12 years of service and pay the differences of arrears of salary and other consequential benefits.

V. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case.”

2. Counsel for the petitioner submits that the issue with regard to grant of senior pay-scale has already been adjudicated by this Court in the case of Ram Ashis Tiwary & Ors. Vs. The State of Bihar & Ors. (CWJC No. 6139 of 2007) which is appended with the writ petition and the said order was put to challenge before the Hon'ble Division Bench in LPA No. 756 of 2015 and, thereafter, the matter traveled before the Hon'ble Apex Court in Special Leave Petition (Civil) Diary Nos(s) 28313 of 2018 and the order passed by the Co-ordinate Bench of this Court has attained finality and the petitioner is said to have filed appropriate representation, giving details of the judgment rendered on the issue, in question but, for the unexplained reason, the decision till date has not been taken but, in the case of other similarly situated persons, necessary order



has already been passed, which is appended with the writ petition as Annexure-14 series.

3. On the other hand, counsel for the State submits that the issues have already been given quietus at the level of the Hon'ble Apex Court and since there is already a representation filed by the petitioner in the light of the order passed by the Co-ordinate Bench in the case of Ram Ashis Tiwary (supra), the authority may be directed to adjudicate the same, if the petitioner's case squarely lies within the parameters of the Ram Ashish Tiwary (supra).

4. Considering the aforesaid submissions of the parties, this Court finds it appropriate to direct the petitioner to file a fresh detailed representation, appending all the necessary documents for adjudication of the claim and, as also, the judgment rendered by this Court on the subjects, in issue and, on filing of such representation within a period of four weeks from today, it is expected that the necessary reasoned and speaking order shall be passed by the authority concerned within a period of eight weeks thereafter and, on adjudication, if the claim of the petitioner is found to be justified, then the consequential benefits shall also be extended to him within the same period.



5. With the aforementioned observation and direction,
the writ petition stands disposed of.

(Ajit Kumar, J)

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