

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4416 of 2026

Jai Shankar Prasad Son of Hira Lal Sah, Resident of Village and Post Office- Haraji, Police Station- Awatarnagar, District- Saran at Chapra. Retired while working as Graduate Trained Teacher from Govt. Upgraded Middle School Chakiyatola, 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.
11. The Accountant General, Birchand Patel Path, Bihar, Patna.
12. The Senior Accounts Officer, Office of the Accountant General, Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Additional Advocate General (7)
For Accountant General	:	Mr. Chaitanya Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-04-2026 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondent-State.

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



3. The petitioner has prayed for grant of following relief :-

“(I) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to shift the date of promotion of the petitioner in the scale of graduate trained pay after completion of eight years of service in matric trained pay scale since 2002 on the basis of his qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, which is equivalent to graduation and to provide the scale of Headmaster from the due date of his entitlement on the basis of qualification of post-graduation from Nalanda Open University, Bihar, Patna in the year 2008 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 through Bihar Public Service Commission, Bihar, Patna on 19.09.1994 on the basis of his recommendation by the Bihar Public Service Commission, Bihar, Patna in the year 1994, having BPSC merit rank 44 and had passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand in the year 2002 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) and thus the petitioner is entitled for shifting the date of his promotion in the scale of graduate trained pay on the



basis of his qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and also for promotion in 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 date.

ll. For issuance of an appropriate writ in the nature of certiorari for quashing the part of memo no. 218 dated 24.02.2023 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 petitioner 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 been teachers, who had already 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 and the scale of Headmaster on the basis of his qualification of post graduation from Nalanda Open University in the year 2008, from the due date of his entitlement since when several similarly situated /junior to the petitioner has been extended the said benefit according to the seniority rank determined by the Bihar Public Service Commission, Bihar, Patna.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the 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 in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner for shifting the date of his promotion in graduate trained pay scale on the basis of his qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and thereafter in the scale of Headmaster and to provide all the monetary benefits i.e. differences of arrears of salary, differences of arrears of pensionary benefits as also to revise his monthly pension, as he has retired on 31.05.2024 while discharging his duties as Graduate Trained Teacher in Govt. Upgraded Middle School Chakiyatola, Anchal - Dighwara, District - Saran at Chapra.

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 appearing for the petitioner submits that the issue involved in the present writ application is no longer res integra and similar issues has been considered and decided by order dated 19.02.2026 passed in **C.W.J.C. No.2690 of 2026** by this Court. He, therefore, submits that the present writ application may be disposed of in terms of the said order.

5. To the aforesaid submissions made by learned counsel for the petitioner, learned counsel appearing on behalf



of the respondent-State does not have any objection.

6. In light of the submissions made by the parties, this writ application is disposed of in terms of the order dated 19.02.2026 passed in **C.W.J.C. No.2690 of 2026 (Dilip Kumar Singh Vs. State of Bihar & Ors.)** and the District Education Officer, Saran at Chapra and District Programme Officer (Establishment), Saran at Chapra are directed to dispose of the pending representations of the petitioner dated 19.07.2025 (Annexure P-10) within a period of three months from the date of receipt / production of a copy of this order after giving an opportunity of hearing to the petitioner.

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

8. It is further made clear that in case the petitioner is found entitled to the relief which the petitioner has claimed through representations, then the same should be extended to the petitioner within a maximum period of one months from the date of passing of the final order.

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



10. All pending I.A.s, if any, is deemed to have been
disposed of.

(Alok Kumar Sinha, J)

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