

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4282 of 2026

1. Baliram Manjhi son of Shivji Manjhi, Resident of Village - Rampur, Noor Nagar, Police Station - Jalalpur, District - Saran at Chapra. Address as per Aadhar Card is resident of Hajipur, Bari Yusufpur, Vaishali. At present posted and working as Graduate Trained Teacher in Govt. Upgraded Middle School Bharpura, Anchal Sonapur, District- Saran at Chapra.
2. Manoranjan Sah, son of Late Rameshwar Prasad Sah, Resident of Village - Sanchi Patti, Virat Nagar, Police Station -Hajipur, District- Vaishali. At present posted and working as Graduate Trained Teacher in Govt. Upgraded Middle School Parmanandpur, Anchal Sonapur, 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, Advocate
For the Respondent/s : Mr. Government Pleader (14)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioners and
learned counsel for the State.

2. The writ petition has been filed for the following



reliefs :-

(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 petitioners in the scale of graduate trained pay after completion of eight years of service on the basis of their qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and to provide the scale of Headmaster from the due date of their 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 no. 1 had joined as an Assistant Teacher on 13.12.1999 on the basis of recommendation by the Bihar Public Service Commission, Bihar, Patna and petitioner no. 2 had joined as an Assistant Teacher on compassionate ground on 10.07.2000, and the petitioner no. 1 had passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Bihar (now Jharkhand) in the year 2001 and petitioner no. 2 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), the petitioners are entitled for shifting the date of their promotion in the scale of graduate trained pay on the basis of their qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and also for promotion in the scale of



Headmaster on the basis of their qualification of post-graduation, from the due date of their entitlement as several similarly situated teachers, who are 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 petitioners have 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, have been extended the benefits of graduate trained pay scale and the scale of Headmaster and since the petitioners only because they are 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 petitioners 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 their qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and thereafter the scale of Headmaster from the due date of their entitlement since when several similarly situated teachers have been extended the said benefits.

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement direction contained in 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 petitioners for shifting the date of their promotion in graduate trained pay scale on the basis of their



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.

(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.

3. Learned counsel for the petitioners submits that the petitioner No.1 passed matriculation in the year 1982 from the Bihar School Examination Board and intermediate from Bihar Intermediate Education Council, Bihar, Patna in the year 1994 and petitioner No.2 passed matriculation in the year 1998 from the Bihar School Examination Board and intermediate from Bihar Intermediate Education Council, Bihar, Patna in the year 2000. It has further been submitted that petitioner No. 1, Baliram Manjhi, was recommended for appointment as an Assistant Teacher by the Bihar Public Service Commission, Patna, in the year 1999 and pursuant thereto, he was issued an appointment letter and joined his respective school in Saran, Chapra on 13.12.1999, and he started to discharge his duties diligently and satisfactorily whereas, the petitioner No. 2, Manoranjan Sah, was appointed as an Assistant Teacher on compassionate grounds and joined Govt. Kanya Primary



School, Sakhnauli, Anchal-Dariyapur-1, District Saran, Chapra on 10.07.2000 and both the petitioners appeared and passed the in-service teachers training course conducted by the Bihar School Examination Board, Bihar, Patna.

4. It has next been submitted that the petitioners with the permission of concerned authorities, namely, District Superintendent, Saran, appeared and passed Sahitya Alankar (which is equivalent to graduation) from Hindi Vidyapeeth, Deoghar, Jharkhand through correspondence. It is the case of the petitioners that despite the fact that the petitioner Nos.1 and 2 have obtained the degree of graduate trained in Sahitya Alankar in the year 2001 and 2002 respectively, the promotion in the graduate trained payscale has not been considered. To buttress his submissions, he has relied upon a judgment of this Court in C.W.J.C. No.5129 of 2009, ***Sanjay Kumar v. The State of Bihar and Others*** and its analogues cases. The relevant extract is reproduced here under :-

We may now proceed to consider the claim set forth in C.W.J.C. No. 16183 of 2012 that was referred to the Division Bench by a learned Single Judge as it raised the same issue and L.P.A. No. 894 of 2016. In these two matters the claim of the writ-petitioners and the appellant respectively are with regard to promotional benefits in the higher scale of pay after having served for 8 years as an Assistant Teacher. They were denied promotional



pay-scale only on the ground that they did not possess the minimum eligibility qualification as prescribed and were claiming benefits on the strength of the degree of Sahityalankar from Deoghar Hindi Vidyapeeth. In view of what has been concluded by us hereinabove, the petitioner of C.W.J.C. No. 16183 of 2012 and the appellant of L.P.A. No. 894 of 2016 are both entitled to the benefits of promotion and the same cannot be denied merely on the ground that they were possessed of an equivalent degree as referred to hereinabove. It is undisputed that these two are also in possession of the degree of Sahityalankar having been obtained prior to the year 2008.

Accordingly, C.W.J.C. No. 16183 of 2012 and L.P.A. No. 894 of 2016 are allowed. The impugned judgment of the learned Single Judge dated 28.03.2016 is set aside. Since both the candidates have prayed for a mandamus, we accordingly direct the competent authority to pass an appropriate order in the light of above within three weeks from the date of presentation of the certified copy of the order served on them with effect from the date they were entitled for such benefit together with all consequential benefits.

5. It has next been submitted that now since the issues have already been made quietus with the appeals having been filed by the State-respondents vide L.P.A. No.1210 of 2010 and L.P.A. No.307 of 2016, questioning the correctness of the judgment of learned Co-ordinate Bench, whereby the respondents were extended the benefit of equivalent qualification, who had obtained the degree from Hindi



Vidyapeeth, Deoghar, Jharkhand and since those appeals have already been dismissed, the judgment rendered by the Co-ordinate Bench in Sanjay Kumar (supra) has attained finality and therefore, the case of these petitioners are required to be considered strictly in consonance with the ratio laid down in the said case.

6. Learned counsel for the petitioners next submits that on consideration of his degree as valid, the respondent-authorities are required to undertake the process of granting promotion in the trained pay-scale in the light of the judgment rendered by Co-ordinate Bench in the case of ***Raghvendra Sharma and Others v. The State of Bihar and Others*** in C.W.J.C. No.15610 of 2018. It is further submitted by learned counsel for the petitioners that representation in this regard, taking cue from the ratio laid down in the said judgment have already been submitted before the concerned authorities to undertake the process in similar terms, as is being undertaken in the case of similarly situated persons and at this stage, further invited the attention of the Court to the decision taken by the Director, Primary Education, Education Department, Government of Bihar, in this regard, which is contained in Memo No.218 dated 27.02.2023, and is appended as Annexure-



P/19.

7. Be that as it may, since issues have already been put at rest by the Co-ordinate Bench and the said view has already been upheld by the Hon'ble Division Bench, the authorities are required to take steps for granting pay-scale of graduate trained teachers with respect to these petitioners appointment and for that a representation shall be filed by these petitioners, which shall be considered in similar terms, as that of the persons in the case of C.W.J.C. No.15610 of 2018.

8. Considering the aforesaid, this writ petition is disposed off with a direction to the respondent No.6, to take all necessary steps on submission of detailed representation, which these petitioners propose to file in continuation of the earlier representation along with the copy of the order within a period of eight weeks from the date of such submission and necessary orders strictly in consonance with law shall be passed and the benefit which accrues to these petitioners on account of such consideration, shall be also extended in favour of these petitioners within a further period of eight weeks.

(Ajit Kumar, J)

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