

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4515 of 2025**

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1. Dilip Kumar Das S/o Choudhary Das, Resident of Village- Ward No.4, P.S.- Harlakhi, District- Madhubani.
2. Laxmi Sinha D/o- Ramprit Yadav, Resident of Village- Pachhagachhia, Ward No.01, Gangaur, P.S.- Harlakhi, District- Madhubani.
3. Usha Kumari D/o- Baidyanath Yadav, Resident of Village- Ward No. 06, Phulhar, P.S.- Harlakhi, District- Madhubani.
4. Ram Sagar Prasad S/o Bhikham Prasad, Resident of Village- Kamtaul, P.S.- Harlakhi, District- Madhubani.
5. Hare Krishna Yadav S/o Sita Ram Yadav, Resident of Village-Gangaur, Ward No. 04, P.S.- Harlakhi, District- Madhubani.
6. Satya Narayan Mandal S/o- Adhikari Mandal, Resident of Village- Bhgata Tola, Bituhar, P.S.- Harlakhi, District- Madhubani.
7. Shivnath Safi S/o- Tinkauri Safi, Resident of Village- Uchhal Basopatti, Ward No.07, P.S.- Basopatti, District- Madhubani.
8. Narayan Paswan S/o- Jagdish Paswan, Resident of Village- Mohanpur, Ward No.11, P.S- Harlakhi, District- Madhubani.
9. Bhogendra Sahu S/o- Bujhawan Sahu, Resident of Village- Beta Parsa, P.S- Harlakhi, District- Madhubani.
10. Kumar Narendra S/o- Surendra Prasad Singh, Resident of Village- Ward No.12, Banagama, P.S- Narhiya (Madhubani), District- Madhubani.
11. Sitaram Paswan S/o- Suryanath Paswan, Resident of Village- Simradhi (Jonki), P.S.- Basopatti, District- Madhubani.
12. Ramjeevan Paswan S/o- Late Nirgun Paswan, Resident of Village- Sothgaon, P.S- Harlakhi, District- Madhubani.
13. Muneshwar Paswan S/o- Rajdeo Pawan, Resident of Village- Kamlapatpatti, Ward No.02, P.S.- Harlakhi, District- Madhubani.
14. Md. Motiur Rahman S/o- Abdul Hamid Anshari, Resident of Village- Ward No.04, Rahika, P.S.- Rahika, District- Madhubani.
15. Rani Kumari W/o- Raman Chaudhari, Resident of Village- Ward No.11, Chatauni, P.S- Basopatti, District- Madhubani.
16. Kailash Prasad Mahto S/o Ramji Mahto, Resident of Village- Dargah Chowk, Bhauara, Ward No.25, P.S- Madhubani, District- Madhubani.
17. Arya Nand Thakur S/o-Radha Kant Thakur, Resident of Village- Malangia, P.S- Rahika, District- Madhubani.
18. Shashimita Kumari W/o- Prahlad Thakur, Resident of Village- Belatol, Ward No.12, P.S.- Harlakhi, District- Madhubani.
19. Md. Haris S/o- Abdus Sakur, Resident of Village- Ward No.05, Islamganj, Deodha Madhya Usrahi, P.S- Harlakhi, District- Madhubani.
20. Ram Naresh Mandal S/o- Rebi Kant Mandal, Resident of Village- Katharwa, P.S.- Harlakhi, District- Madhubani.
21. Baidyanath Ram S/o- Firan Ram, Resident of Village- Ward No.04, Akour, P.S- Benipatti, District- Madhubani.



22. Kiran Kumari W/o- Manoj Kumar Jha, Resident of Village- Potgah, Umgaon, P.S- Harlakhi, District- Madhubani.
23. Anita Kumari W/o- Manish Kumar Singh, Resident of Village- Phulhar, Ward No.04, Umgaon Kothi, P.S- Harlakhi, District- Madhubani.
24. Binod Kumar Singh S/o- Ghuran Singh, Resident of Village- Phulhar, Ward No.03, N.H.104, P.S- Harlakhi, District- Madhubani.
25. Lal Prasad Yadav S/o- Ram Narayan Prasad, Resident of Village- Kamtaul, Pachgachhiya, Ward No.12, P.S.- Harlakhi, District- Madhubani.
26. Rekha Kumari W/o- Lalit Narayan Singh, Resident of Village- Malangia, P.S.- Rahika, District- Madhubani.
27. Ratna Jha W/o- Braj Narayan Jha, Resident of Village- Malangia, P.S- Rahika, District- Madhubani.
28. Md. Israil S/o- Md. Taiyab, Resident of Village- Maharniya, Ward No.04, P.S.- Harlakhi, District- Madhubani.
29. Anjay Kumar Jha S/o- Uday Kant Jha, Resident of Village- Ward No.07, Rahika, P.S.- Rahika, District- Madhubani.
30. Kumari Nita W/o- Rajendra Ram, Resident of Village- Ward No.13, Umgaon, P.S- Harlakhi, District- Madhubani.
31. Sunita Devi W/o- Parmeshwar Prasad Sah, Resident of Village- Ward No.17, Hatwariya, P.S.- Harlakhi, District- Madhubani.
32. Abdus Samad S/o- Md. Habibur Rahman, Resident of Village- Beta Parsa, Ward No.09. P.S- Harlakhi, District- Madhubani.
33. Afsana Khatoon W/o- Md. Nasim Akhatar, Resident of Village- Ward No.02, P.S.- Harlakhi, District- Madhubani.
34. Ramesh Kumar S/o- Siyaram Mahto, Resident of Village- Akaha, P.S- Madhwapur, District- Madhubani.
35. Kamlesh Kumari W/o- Bhagya Narayan Mahto, Resident of Village- Akaha, P.S.- Madhwapur, District- Madhubani.
36. Dilip Kumar S/o- Ramsagar Thakur, Resident of Village- Ward No. 09, Pattar, Tariya, P.S- Saharghat, District- Madhubani.
37. Indira Kumari W/o- Dilip Kumar Thakur, Resident of Village- Ward No.09, Pattar, Taraia, P.S- Saharghat, District- Madhubani.
38. Kanak Lala W/o- Chaturbhuj Thakur, Resident of Village- Andauli East, P.S.- Madhwapur, District- Madhubani.
39. Raj Kumar Das S/o- Rajendra Das, Resident of Village- Ward No.09, Basbariya, P.S- Saharghat, District- Madhubani.
40. Saraswati Kumari W/o- Shashi Kumar Sahu, Resident of Village- Ward No.11, Basbariya, Sahar, P.S- Saharghat, District- Madhubani.
41. Ram Prabodh Yadav S/o Chandeshwar Yadav, Resident of Village- Ward No. 01, Pahipura, P.S- Saharghat, District- Madhubani.
42. Upendra Paswan S/o- Ramashees Pawan, Resident of Village- Sahar, P.S- Saharghat, District- Madhubani.
43. Arun Kumar Singh S/o- Kameshwar Singh, Resident of Village- Ward No.02, Barahgoriya, Udaypur, Bithwar, P.S.- Pandual, District- Madhubani.



44. Nikhat Parween W/o- Md. Ayub, Resident of Village- Bihnagar, Biraul, P.S.- Pandaul, District- Madhubani.
45. Ram Bilas Ram S/o- Bhilai Ram, Resident of Village- Biraul, P.S- Pandaul, District- Madhubani.
46. Ghanshyam Sahu S/o- Ramsharan Sahu, Resident of Village- Bihnagar, Biraul, P.S.- Pandaul, District- Madhubani.
47. Ranjan Kumar Mandal S/o- Dukhan Mandal, Resident of Village- Bihnagar, Ward No.03, P.S- Pandaul, District- Madhubani.
48. Dilip Kumar Mishra S/o- Harishchandra Mishra, Resident of Village- Salempur, Ward No.10, P.S- Pandaul, District- Madhubani.
49. Kumari Kavita W/o- Ashok Kishor Pandey, Resident of Village- Gamhariya, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Education Officer, Madhubani.
5. The District Programme Officer (Establishment), Madhubani.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar Thakur, Adv.  
Mr. Prabhakar Thakur, Adv.  
For the Respondent/s : Ms. Vartika K Kashyap, Adv.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 12-01-2026**

Heard Mr. Shankar Kumar Thakur, learned Advocate assisted by Mr. Prabhakar Thakur, learned Advocate for the petitioners and Ms. Vartika K Kashyap, learned Advocate for the State.

2. The petitioners have approached this Court for the following reliefs:-

*“(i) for direction to the respondent no. 4 to grant the promotion*



*in Graduate trained Teacher in terms of rule 15 (Cha) (i) of Bihar Panchayat Teacher (Recruitment and Service Conditions) Rule, 2012 after successfully completing 12 years continuous satisfactory service from the date of acquiring the required training for the purpose of promotion in next fixed salary.*

*(ii) For direction to the respondent no. 4 to fill up the 50% post of graduate teacher by way of promotion under 50% quota reserved for promotion for the teacher holding graduate degree in terms of rule 15(cha) (ii) who have successfully completed 8 years continuous satisfactory service in basic grade.*

*(iii) For direction to the respondent no. 04 to grant the promotion to the petitioner on the post of headmaster under 50% quota reserved for promotion on the ground that the petitioner have become graduate trained teacher after successful completion of 12 years of continuous satisfactory service in basic grade in terms of rule 15 (Cha) (i) of Bihar Panchayat Teacher (Recruitment and Service Conditions) Rule, 2012 and the petitioners are eligible to be considered for promotion on the post of headmaster as the petitioners have also successfully completed 5 years continuous service as graduate grade.”*

3. Learned Advocate for the petitioners, after some arguments, submitted that the case of the petitioners is identical to those of the writ petitioners of CWJC No. 2511 of 2025, where the Court having taken every aspect of the matter held as follows:-



*“29. The concern of the petitioners is that after completing kalavadhi of 12 years of the continuous service as Niyojit Teacher from their effective dates of their appointment, they became entitled for promotion and financial upgradation is based on statutory Provisions of Rules and denial of promotion to them is in violation of Articles 14, 16 and 21 of the Constitution of India. Otherwise also, the petitioners having obtained in service training in terms of the mandate of Sub Section 2 of Section 23 of the RTE Act, 2009 after having fulfilled required qualifications in terms of NCTE Notifications dated 23.08.2010 and 29.07.2011, they became entitled for requisite remuneration and pay scale from the date of their acquiring requisite academic qualifications by maintaining uniformity in respect of all the teachers of Primary Classes (Class I-V) in terms of Sub Section 3 of Section 23 of RTE Act, 2009. From the facts as narrated above, I find that the statutory Rule 15(cha) of Rules, 2012 and Rule 16 of Rules, 2020 provides for promotion after completing 12 years of service. Thus, non consideration for promotion of the petitioners and like teachers at the relevant time is solely attributable on the part of the Education Department, Government of Bihar and there is no fault on the part of the teachers. The petitioners and like teachers cannot be denied the promotional benefit on account of inaction on the part of the respondent authorities. The Rules, 2012 and Rules, 2020 have been framed by the State Government as per the mandate of Sub Section 3 of Section 23 of RTE Act, 2009. Therefore, the Rules has to be applied in uniform manner and inaction*



*on the part of the State Government can only amount to be in violation of the statutory Rules by deliberately denying promotion to the petitioners and like teachers, such action has been deprecated by the Apex Court in the case of **Panchraj Tiwary (supra)**.*

*30. In above background, the petitioners shall be treated to be promoted and the respondents are legally bound to carry on steps for granting promotion in terms of Rules, 2012 and Rules, 2020 to the petitioners and like teachers who had already acquired in service qualification and who are still continuing are entitled for promotion from the due date as per their seniority which is required to be given from the date they had obtained the requisite qualification in terms of RTE Act, 2009.*

*31. The respondents are directed to first prepare a gradation list of all such teachers and give promotion by working out inter se seniority in accordance with law within three months from the date of communication of this order.*

*32. In light of the discussions made hereinabove and governing Rules and the law laid down by the Apex Court, the writ petition is allowed. There is no order as to costs."*

4. Learned Advocate for the State fairly submitted that against the order aforementioned, the State has preferred Letters Patent Appeal bearing No. 1095 of 2025, which is pending consideration before the learned Division Bench.

5. At this juncture, learned Advocate for the petitioners submitted that there is no order of stay of the



operation of the impugned order; and moreover, for redressal of the above referred grievance, the petitioners have also filed a detailed representation, which is placed as Annexures 4 and 5 to the writ petition.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the contention of the petitioners, especially, that their cases are covered with CWJC No. 2511 of 2025, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no. 4, to consider the claim of the petitioners and dispose off the same, in the light of the order passed in the aforementioned case, preferably within a period of ten weeks’, from the date of receipt/production of a copy of this order, with the necessary consequential orders, if admissible in law.

7. Needless to observe that the order passed by the District Education Officer shall be abide by the order passed by the learned Division Bench of this Court in LPA No. 1095 of 2025.

8. Accordingly, the writ petition stands disposed off.

**(Harish Kumar, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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