

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5167 of 2026

1. Anil Kumar Thakur Son of Late Vinod Thakur, Resident of Village-Mirchaibari, Ward No. 01, Post Office Mirchaibari, Police Station Katihar, District Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Pekha, Anchal - Kohra, District - Katihar.
2. Md. Anwar Karim Son of Late Mofijuddin Ahmad, Resident of Village-Mirchaibari, Ward No. 04, Post Office - Katihar, Police Station Katihar, District - Katihar. At present posted and working as Headmaster in Govt. Middle School Hasanganj, Anchal Hasanganj, District - Katihar.
3. Raj Kishore Mandal Son of Sri Nawal Kishore Mandal, Resident of Village-Adhkaili, Post Office - Babhani, Police Station - Dagarua, District - Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Rauniya, Anchal Kadwa, District - Katihar.
4. Pravin Kumar Das Son of Khageshwar Prasad Das, Resident of Village-Baghar, Post Office - Mahishal, Police Station -Balrampur, District - Katihar. At present posted and working as Headmaster in Govt. Middle School Mehishal, Anchal - Balrampur, District -Katihar.
5. Aquilur Rahman, Son of Md. Rajiuddin, Resident of Village-Dakiryahanpur, Post Office Kuraila Bangra, Police Station Kadwa, District Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Raiyanpur (West), Anchal - Kadwa, District - Katihar.
6. Bhola Prasad Mandal, Son of Jagdish Mandal, Resident of Mohalla- Shanti Tola, Fasiya, Ward No. 44, Post Office- Teengachhiya, Police Station - Katihar, District -Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Dherua West, Anchal - Hasanganj, District- Katihar.
7. Upendra Kumar Rajak Son of Newalal Rajak, Resident of Village-Marangi, Post Office - Mansahi, Police Station Mansahi, District - Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Rakhatola, Anchal- Mansahi, District - Katihar.
8. Devpriya, Son of Sushil Chandra Mandal, Resident of Village-Chakla Maulanagar, Police Station- Pothiya, District- Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Maulanagar, Anchal - Sameli, District - Katihar.
9. Naresh Kumar Singh, Son of Late Baikunth Singh, Resident of Village-Bagdar, Post Office - Mukuriya, Police Station- Salmari, District - Katihar. At present posted and working as Headmaster in Govt. Middle School Jigin, Anchal - Azamnagar, District - Katihar.
10. Mahfooz Ansar, Son of Sheikh Sahabuddin, Resident of Village-Sahjana, Post Office- Porla, Police Station- Azamnagar, District - Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Sajna, Anchal -Azamnagar, District - Katihar.
11. Ajay Kumar Mishra, Son of Jagtanand Tiwari, Resident of Village-Dwashay, Post Office - Dwashay, Police Station - Dandkhora, District - Katihar. At present posted and working as Headmaster in Govt. Middle School Rautara,



Anchal - Kohra, District- Katihar.

12. Arjun Kumar Son of Late Adhik Prasad Rai, Resident of Mohalla- Officer Colony, Post Office- Katihar, Police Station- Katihar, District - Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Singhiya, Anchal- Amdabad, District - Katihar.
13. Badal Kumar Rai Son of Late Dhaneshwar Rai, Resident of Village-Dholmara, Post Office - Salmari, Police Station - Salmari, District - Katihar. Retired while working as Headmaster in Govt. Upgraded Middle School Narayanpur, Anchal- Azamnagar, District-Katihar.

... .. 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, Govt. of Bihar, Patna.
3. The Additional Chief Secretary -cum-the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Purnea Division, Purnea.
6. The District Education Officer, Katihar.
7. The District Programme Officer (Establishment), Katihar.
8. The District Accounts Officer, Katihar.
9. The District Treasury Officer, Katihar.
10. The Accountant General, Birchand Patel Path, Bihar, Patna.
11. 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
For the Respondent/s : Advocate General

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 09-04-2026 Learned counsel for the petitioners and learned
counsel for the State are present.

2. The instant writ application has been filed for the
following directions:-

(i) For directing the respondent authorities



concerned to shift the date of promotion of the petitioners in graduate trained pay scale since 2002 i.e. after completion of eight years of service and 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 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 petitioners had been appointed by through Bihar Public Service Commission, Bihar, Patna in the year 1994 but their promotion in the graduate trained pay scale and in the scale of Headmaster has not been shifted from the due date of their entitlement even though several similarly situated teachers or even junior to the petitioners in other districts, have already been given the promotion from the due date of their entitlement along with all consequential and monetary benefits.

(ii) For issuance of an appropriate writ in the nature of certiorari for quashing the part of memo no. 218 dated 32.02.2023 issued by the Director, Primary Education, Govt. of Bihar, Patna, if that is coming in the way, 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, in other districts who were appointed along with the petitioners in the year 1994 and junior to the petitioners have been extended the benefits of graduate trained pay scale and the scale of Headmaster and 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 of promotion of graduate trained pay scale and the scale of Headmaster by shifting the said promotion from the due date of their entitlement since when several similarly situated/junior to the petitioners have been provided the promotion in the graduate trained pay scale and the scale of Headmasters.

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents 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 petitioners will be entitled in the facts and



circumstances of the present case.

3. Learned counsel for the petitioners submits that the issue with regard to the grant of promotion in graduate trained pay-scale has already been settled in ***C.W.J.C. No.15610 of 2018, Raghavendra Sharma and Others v. The State of Bihar and Others*** and the Director of Primary Education has already issued a letter dated 27.02.2023 directing all the Bihar Education Office and District Education Programme Officer to comply the direction issued in the aforesaid case and the said letter dated 27.02.2023 is appended in the writ petition as Annexure-7.

4. On the other hand, learned counsel for the State submits that the case may be directed to be considered strictly in terms of the ratio laid down in ***Raghavendra Sharma (supra)*** and necessary order may be directed to be passed in accordance with law, if the case of these petitioners are similarly situated and are equally placed.

5. It is further submitted that the issues have already been crystallized in the aforementioned case and consequently, the letter has also been issued by the Directorate of Primary Education vide letter dated 27.02.2023, the petitioner's representation is required to be considered by the respondents concerned, addressing their grievances, taking into account the



judgment rendered in the regard referred above, for which appropriate direction may be issued.

6. Considering the submission of the parties, this Court finds it appropriate to direct the petitioners to file representation for consideration of their grievances.

7. Accordingly, the petitioners are directed to file individual detailed representations for adjudication of the relief sought in the writ petition within a period of four weeks from today, appending all supporting materials/documents along with the judgment relied upon by them for seeking the same or similar relief. Upon submission of such representations, the grievances shall be adjudicated and necessary orders shall be passed within a period of eight weeks from the date of receipt of the representations. The consequential benefits, if any, accruing to the petitioners shall thereafter be extended to them within a further period of four weeks.

8. Accordingly, the writ application stands disposed of.

(Ajit Kumar, J)

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