

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4415 of 2026

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1. Md. Masoom Raza Son of Late Zahid Hussain, Resident of Mohalla-Barbanna, Ward No. 29, Post Office- Katihar, Police Station- Nagar Thana Katihar, District- Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Ramnagar Sarwala, Anchal- Katihar, District- Katihar.
 2. Md. Faruque Durrani, Son of Late Md. Wali Hassan, Resident of Choudhary Mohalla, Police Station- Katihar, District- Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Tajganj Chilmara, Anchal- Katihar, District- Katihar.
 3. Kundan KUMar, Son of Sri Anirudh Prasad Yadav, Resident of Village-Mavaiya Bishanpur, Post Office- Bishanpur, Police Station- Korha, District- Katihar. At present posted and working as Headmaster in Govt. Middle School Nakkipur, Anchal- Korha, District- Katihar.
 4. Md. Tarique Yousuf, Son of Md. Manjoor Yousuf, Resident of Choudhary Mohalla, Police Station- Katihar, District- Katihar. At present posted and working as Headmaster in Govt. Upgraded Middle School Fulhara, Anchal- Katihar, District- Katihar.
 5. Ajay Kumar, Son of Late Khagendra Prasad Mandal, Resident of Village-Adhkeli, Post Office- Babhani, Police Station- Sadar, District- Purnea. Address as per Aadhar, Grain Shop Para, Near Santoshi Chowk, Police Station- Town Katihar, District- Katihar. At present posted and working as Headmaster in Govt. Middle School Batheli, Anchal- Katihar, 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.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Anjanaja Singh, A.C. to AAG-13.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-04-2026 Heard learned counsel for the petitioners 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 petitioners have 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 petitioners in graduate trained pay
scale since 2002 i.e. after completion of eight years of
service and the scale of Headmaster since 2007 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 petitioners had been appointed 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 in the district
of Katihar 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 24.02.2023 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, who were appointed along with the petitioners in the year 1994 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.”

4. Learned counsel appearing for the petitioners submits that the issue involved in the present writ application is no longer res integra as the same has already been decided and settled in **C.W.J.C. No.15610 of 2018 (Raghvendra Kumar & Ors. Vs. State of Bihar and Others)**. He further submits that for seeking aforesaid relief claimed in the present writ application, the petitioners have already filed representation vide Annexure-11, 12 and 13 before the District Education Officer, Katihar and the same continues to be pending. He



accordingly prays that the petitioners would be satisfied if an appropriate direction could be issued by this Court for disposing of the pending representations of the petitioners in light of the Judgment of this Court passed in **C.W.J.C. No.15610 of 2018 Raghvendra Sharma & Ors. Vs. State of Bihar & Ors.)** after giving an opportunity of hearing to the petitioners within a fixed time frame.

5. To the aforesaid submissions made by learned counsel for the petitioners, learned counsel appearing on behalf of the respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioners, this writ application stands disposed of directing the District Education Officer, Katihar to dispose of the pending representations of the petitioners brought on record by way of Annexure 11, 12 and 13 in light of judgment of this Court delivered in **C.W.J.C. No.15610 of 2018 (Raghvendra Sharma & Ors. Vs. State of Bihar & Ors.)** 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 petitioners.

7. Needless to emphasize that the final order which shall be passed by the District Education Officer, Katihar should



be reasoned and speaking order.

8. It is further made clear that in case the petitioners are found entitled to the relief which the petitioners have claimed through representations, then the same should be extended to the petitioners within a maximum period of three months from the date of passing of the final order by the District Education Officer, Katihar.

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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