

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3737 of 2026

Vijay Kumar Paswan Son of Late Basudeo Paswan, Resident of Village and P.O.- Bauri, P.S.-Kashichak, Warsaliganj, District- Nawada, present address Mohalla- Shiv Nagar, Postmortem Road, Ward No.-16, P.O. and P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary -cum- Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Nawada.
5. The Regional Deputy Director of Education, Magadh Division, Gaya.
6. The District Education Officer, Nawada.
7. The District Education Officer -cum- the Chairman of District Teachers Promotion Committee, Nawada.
8. The District Programme Officer (Establishment), Nawada.
9. The District Programme Officer (Establishment) -cum- the Member Secretary of District Teachers Promotion Committee, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Muskan Singh, Adv
For the Respondent/s : Mr. Government Pleader 03

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 24-03-2026 Heard learned counsel for the petitioner and learned counsel for the respondent-State.

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

3. In the present writ application, the petitioner has prayed for the grant of following reliefs:

“(i) For issuance of a writ in the



nature of mandamus commanding and directing upon the Respondents concerned specially Respondent No. 7 and 9 to consider the claim of petitioner for grant of Graduate Trained Scale after completion of 8 years in Matric trained scale as well as on the post of Headmaster having possessed academic qualification f Post Graduate in view of Rule 8 and 9 of Elementary School Teachers Promotion Rule 2011 in view of the fact that the petitioner has enhanced their respective qualification of Sahitya Alankar from Deoghar Vidya Peeth prior to 27.08.2008 but their claim was not considered on the plea that validity of degree of Sahitya Alankar from Deoghar Vidya Peeth is not recognised by the State Government but now the issue of validity of Sahitya Alankar has been decided by Full Bench of this Hon'ble Court in C.W.J.C. No. 11255 of 2016 disposed of vide order dated 22.08.2019 reported in 2019(3) PLJR Page 1291 and as such the petitioner is entitled to be considered for promotion from the date of their entitlement.

(ii) For further direction upon the Respondents concerned to grant the promotion in Graduate trained scale as well as on the post of Headmaster from the date of entitlement in view of promotion Rules



and pay the consequential monetary benefits to the petitioner.

(iii) For further direction upon the Respondents concerned to shift the date of promotion in Graduate trained scale as well as on the post of Headmaster as per entitlements of the petitioner.

(iv) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

4. While advancing argument, learned counsel for the petitioner submits that the case of the petitioner is covered by a Full Bench judgment of this Court dated 22.08.2019 passed in CWJC No. 11255 of 2016 (Ramashankar Patel & Ors vs The State of Bihar & Ors) and analogous case. Learned counsel for the petitioner, therefore, submits that the petitioner is ready to file a fresh representation before the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Nawada (respondent no. 7) and the District Programme Officer (Establishment)-cum-Member Secretary of District Teachers Promotion Committee, Nawada (respondent no. 9) in light of the said Full Bench judgment and prays that an appropriate direction be issued to the respondent no. 7 and respondent no. 9



to dispose of the representation which would be filed by the petitioner within a fixed time frame, after giving an opportunity of hearing to the petitioner.

5. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a fresh representation before the District Education Officer-cum-the Chairman of District Teachers Promotion Committee, Nawada (respondent no. 7) and the District Programme Officer (Establishment)-cum-Member Secretary of District Teachers Promotion Committee, Nawada (respondent no. 9) within one month from today, relying upon the Full Bench judgment dated 22.08.2019 passed in CWJC No. 11255 of 2016 (Ramashankar Patel & Ors vs The State of Bihar & Ors) and analogous case. If such a representation is filed within the stipulated time then the same shall be disposed of within a period of four months from the date of filing of the representation, after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the respondent no.



7 and respondent no. 9 should be a reasoned and speaking order.

It is further made clear that in case, the petitioner is found entitled to the relief which he would be claiming through the representation relying upon the Full Bench judgment dated 22.08.2019 passed in CWJC No. 11255 of 2016, the same should be extended to the petitioner within a further period of two months from the date of passing of the final order.

7. With the aforesaid observation/direction and liberty granted, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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