

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4434 of 2026

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1. Tanik Prasad S/o- Late Fouzdhari Mahto, Resident of Village- Saildhi, P.S.- Bhadour, District- Patna, Bihar, presently posted as Asst. Teacher, Middle School, Salempur, P.S.- Barh, District- Patna.
 2. Mohammad Ijtabh Hussain, S/o- Late Iftekhar Khan, R/o- Mohalla- Lakempur, P.S.- Barh, District- Patna, presently posted as Asst. Teacher, Primary School, Panchsil Nagar, Barh, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education Department, Bihar, Patna.
2. The Addl. Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Bihar, Patna.
5. The District Education Officer, District- Patna, Bihar.
6. The District Programme Officer (Estab.), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate
For the Respondent/s : Mr. Standing Counsel (22)

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 commanding the respondents to grant
matric trained scale of pay to the petitioners w.e.f.
completion of 3 years of the appointment in the
light of order dated 11.04.2018 passed in CWJC
No. 7322 of 2017 (Abdus Samad V/s The State of
Bihar and Ors.).*

*(ii) For further commanding the respondents
for grant of all consequential benefits arising out
of the same.*



(iii). For any other relief/ reliefs for which petitioners are found entitled in the facts and circumstances of the present case.

3. Learned counsel for the petitioners submits that the petitioners are entitled for grant of matric trained pay-scale with effect from 2003, but for no prudent reason and contrary to the dictum of this Hon'ble Court, rendered in the case of ***Abdus Samad v. State of Bihar & Ors***, (CWJC No. 7322 of 2017), such benefits have been extended in favour of these petitioners from 2009, which is in teeth of the order passed by this Court.

4. It has next been submitted that relying upon the said judgment, various orders have been passed by the Co-ordinate Bench, which maybe referred from the case of ***Sanjay Kumar v. The State of Bihar and Others*** (C.W.J.C. No.5129 of 2009), and in consequence of such directions having been issued by this Court and the authorities of different districts have already granted such benefits to similarly situated persons and necessary decision so taken in this respect has also been appended with the writ petition as Annexure-P/6.

5. On the other hand, learned counsel for the State submits that since the issues have been put at rest in the case of Abdus Samad (*supra*) and the authorities maybe directed to adjudicate the claim of these petitioners strictly in consonance



with the parameters so fixed by this Court in the aforesaid case and in case, the petitioner's claims are found to be genuine, necessary orders may be directed to be passed in accordance with law.

6. Considering the aforesaid, this Court directs the concerned respondents to consider the claim for grant of matric trained pay-scale from the date of its eligibility, strictly in consonance with Abdus Samad (*supra*), for which appropriate representation shall be filed by these petitioners individually with all supportive materials before the District Programme Officer (Establishment), Bihar, Patna, within a period of four weeks from today and on filing of such representation, necessary orders shall be passed within a further period of eight weeks and if the claims are found genuine, then appropriate orders for grant of matric trained pay-scale shall be made and all consequential benefits shall also be extended in favour of these petitioners, within the same time.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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