

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4660 of 2026

=====

Rajendra Prasad S/o Late Ram Prasad, Resident of Ward No. 12, P.O. and P.S. Jhanjhaarpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Regional Education Director, Laheria Sarai, Darbhanga.
3. The District Magistrate, Madhubani, Bihar.
4. The District Education Officer, Madhubani, Bihar.
5. The District Programme Officer (Establishment), Madhubani, Bihar.
6. The Accountant General Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Adv.
For the Respondent/s : Mr. Government Advocate (2)

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 02-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

“i. Issuance of writ of appropriate nature, order or direction, quashing Office Orders contained in Memo No. 2251 dated 24.05.2025 issued by the District Education Officer (Establishment), Madhubani which is not in terms of the Order of this Hon'ble Court passed in CWJC 15610/2018 (Raghvendra Sharma vs. state of Bihar & ors) under which respondents were directed to conduct an exercise for granting promotional pay scale of Graduate teacher and promotion to the post of Head Master after



determination of year wise vacancies for each year up to 2011 in accordance with 1993 promotion rules and the Full Bench Judgment (Ramnath Prasad Singh vs. State of Bihar (2009 (3) PLJR., 384) within the schedule time fixed for completing entire exercise.

The petitioner figures at serial 8 in the list and has been given graduate trained scale w.e.f. 1.04.1996 but has not been considered for promotion on the post of Head Master (HM) in the vacancy after 2000, for which he was entitled to be considered. The respondents have not prepared year wise seniority list and yearly vacancy of the post of Head Master incorporating retired teachers and considering them for promotional post of Head Master for extending them benefits of this post.

ii. Issuance of writ of an appropriate nature, more particularly a writ in the nature of Mandamus, order or direction commanding respondents to consider petitioner for the post of H.M, while preparing fresh year-wise promotion lists Science Graduate Teachers completing 4 years getting Science Graduate pay scale for their consideration for the promotional post of Head Master (HM) strictly in accordance with the Bihar Primary Teachers (Promotion) Rules, 1993, as ordered by this Hon'ble Court in the case of Raghvendra Sharma (CWJC 15610/2018) and Full Bench Judgment of this Hon'ble Court.

iii. For a direction to the Respondents to comply with the Patna High Court judgment in C.W.J.C. No. 15610/2018 (Raghvendra Sharma &Ors. vs. State of Bihar) in letter and spirit extending all benefits to the



petitioner with consequential difference of salary and allowances payable to the petitioner after taking into account yearly increment in revised pay scale and D.A to the petitioner after shifting his date of granting Graduate Pay Scale effective from 01.04.1996 in place of 28.06.2012 and those of difference of salary and allowances after granting promotional post of H.M, & consequential re-fixation of pay and allowances of ACP/MACP applicable thereto on account of shifting his date of granting Science Graduate pay scale from 28.06.12 to 1.04.94 as also the post of Head Master.

iv. For an order / direction to the respondents to revise and re-fix consequential enhancement in monthly pension and to pay difference Pension and other terminal benefits of Gratuity and leave encashment calculated as per revised pay scale and allowances payable at the time of retirement.

v. For a direction to pay all arrears of difference of salary and terminal benefit along with interest at the rate of 12% p.a. for the entire delayed period.

vi. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

3. Learned counsel for the petitioners submits that in view of the judgment rendered by the Hon'ble Division Bench in the case of ***Raghvendra Sharma & Ors v. State of Bihar & Ors, CWJC No. 15610 of 2018*** , the petitioner's case for grant of graduate trained pay-scale was considered by publishing provisional list vide Annexure-P/2 and followed with final list having been notified, which is appended with the writ petition



as Annexure-P/3. It has next been submitted that despite these petitioners having been found entitled for grant of graduate trained pay-scale, the promotional benefits, has till date not been paid. It has next been submitted that once the petitioner's eligibility has been considered for grant of trained pay-scale and necessary decisions have already been taken, then the case of these petitioners becomes entitled for being considered for the post of Head-Master on completion of 4 years after having remained in the said pay-scale but for unexplained reasons, the same has not been considered.

4. On the other hand, learned counsel for the State submits that since the petitioners entitlement has already been adjudicated and necessary orders have been passed with regard to graduate trained pay-scale and if the petitioner has already completed 4 years of his service in the said pay-scale, then the authorities may be directed to take a final decision with regard to grant of benefits and as also with regard to his entitlement to the post of Head-Master by fixing a time-line.

5. Considering the submission of the parties, this Court finds it appropriate to direct the Regional Education Director, Laheria Sarai, Darbhanga, to examine the claim of this petitioner and on finding the petitioner's claim to be justified



insofar as the benefits of graduate trained pay-scale is concerned, which issues have been settled by the authorities and necessary orders have already been passed, then by issuing appropriate directions, the benefits of graduate trained pay-scale shall be ensured and with regard to other claim of consideration on the post of Head-Master and on finding the petitioner's eligibility and the entitlement, at par with others, necessary orders shall be passed and the same shall also be communicated by completing the entire exercise within a further period of eight weeks from the date of filing of detailed representation, in accordance with law.

6. It goes without saying that once such exercise is completed, then order for appropriate revision in pension, shall also be passed and the same shall be communicated to the Office of Accountant General for carrying out the necessary formalities.

7. Accordingly, the writ petition stands disposed.

(Ajit Kumar, J)

rishi/-

U			
---	--	--	--

