

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4262 of 2026

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Shiv Shankar Prasad Son of Late Ram Dahin Prasad, Resident of Village-Pratapur, P.S.-Kurtha, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Govt. of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Programme Officer (Establishment), Arwal.
5. The District Education Officer, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 30-03-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

(1) That the present writ petition is being filed for issuance writ of Mandamus Commanding the respondent authorities specially Respondent No-3 (RDDE Gaya) and Respondent No-5 (DEO Arwal) giving direction to fixed pay scale of the petitioner in upgraded pay scale with increment of Rs.-10,900/-w-e-f01-04-2001 till 28-12-2006 (as upgraded pay Rs.-10,700/- effected thereafter in ease of petitioner) whereas other similarly situated



employee in same cadre got upgraded pay Rs. 10,700/-since 01-04-2000 and Rs.-200/-Increment added itself and therefore prayer being made for payment of arrear amount of upgraded pay with increment Rs. 10,900/- for the period 01-04-2001 to 28-12-2006 to the petitioner.

(II) For any other relief/reliefs as deem fit and proper by this Hon'ble Court.

3. Learned counsel for the petitioner submits that petitioner's claim for upgraded pay scale with addition of the 200 increments were fixed by the District Education Officer, Arwal and the same was recommended to the Regional Deputy Director of Education, Magadh Divison, Gaya, for approval, who without giving an opportunity of hearing to this petitioner, his claim with regard to up-graded pay-scale with addition of 200 increment, has not been considered, while in the case of similarly situated person, the same has been considered.

4. It is the case of the petitioner that similarly situated one Assistant Teacher, namely, Baban Dubedi, has got the benefit of upgraded pay scale, which has been allowed by the Regional Deputy Director of Education, Magadh Divison, Gaya and the petitioner has also filed a representation for such parity, which is appended with the writ petition as Annexure-P/3, but the same is still pending.



5. On the other hand, learned counsel for the State submits that appropriate directions may be issued to the respondent No.3 for passing reasoned and speaking order, by giving an opportunity of hearing on the representation, which is said to have been filed by this petitioner, and is said to be still pending before the authorities.

6. Considering the stand of the parties, this Court directs the Regional Deputy Director of Education, Magadh Divison, Gaya, to adjudicate the claim of this petitioner which has been placed for consideration through a representation dated 27.11.2025, by referring to Annexure-P/1, on its own merits and on finding the claim to be genuine, benefits shall be paid to them. It is expected that the entire exercise shall be concluded within a period of four weeks from the date of production of copy of the order passed by this Court. The petitioner is at liberty to supplement his representation with further materials, if it is found necessary to do so for proper adjudication.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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