

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5352 of 2026

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Renu Kumari Wife of Late Mahendra Sharma, Resident of Village - Nakati Devi Road, Ward No. 15, Post Office and Police Station- Dighwara, District - Saran at Chapra. Retired while working as an Assistant Teacher from Govt. Kanya Middle School Dighwara, Anchal - Dighwara, District-Saran at Chapra.

... .. 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, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Education Officer- cum- the Chairman of District Teachers Promotion Committee, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The District Programme Officer (Establishment)-cum-the Member Secretary of District Teachers Promotion Committee, Saran at Chapra.
9. The District Accounts Officer, Saran at Chapra.
10. The District Treasury Officer, Saran at Chapra.
11. The Accountant General, Birchand Patel Path, Bihar, Patna.
12. The Senior Accounts Officer, office of the Accountant General, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Adv
For the State	:	Mr. Manoj Mishra, AC to Government Pleader (4)
For the A.G.	:	Ms. Nivedita Nirvikar, Sr. Adv

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 21-04-2026 Heard learned counsel for the petitioner, learned counsel for the respondent-State and learned counsel for respondent-Accountant General.

2. In the present writ application, the petitioner has



prayed for the grant of following reliefs:

(i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant the benefits of promotion to petitioner in the scale of graduate trained pay after completion of eight years of service in matric trained pay scale on the basis of her qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, which is equivalent to graduation 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 petitioner had joined as an Assistant Teacher through the district panel of Saran on 21.05.1986 and had passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Bihar (Now Jharkhand) in the year 1993 and as the said degree is recognized upto 2016 for all purposes as per the decision of C.W.J.C. No. 16183/2012 (Raj Ranjan and Others vs. the State of Bihar and Others) and thus the petitioner is entitled for grant of her promotion in the scale of graduate trained



pay on the basis of her qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Bihar (now Jharkhand) from the due date of her entitlement as several similarly situated teachers' or even junior to the petitioner, who were also having the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, have already been given the actual benefits under the aforesaid order of the Hon'ble High Court but the petitioner has been deprived till date.

(ii) For issuance of an appropriate writ in the nature of certiorari for quashing the part of 27 memo no. 218 dated 27.02.2023 issued by the Director, Primary Education, Govt. of Bihar, Patna, 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 after appointment of the petitioner have been extended the benefits of



graduate trained pay scale and the scale of Headmaster and since the petitioner only because she is having the qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand had earlier been deprived of her promotion and, therefore, 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 arbitrary and 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 petitioner 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 by



providing the aforesaid scale i.e. graduate trained pay on the basis of her qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Bihar (now Jharkhand) from the due date of her entitlement since when several similarly situated /junior to the petitioner has been extended the said benefit according to the seniority rank determined by the Bihar Public Service Commission, Bihar, Patna.

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the 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.

(v) 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 petitioner for grant of benefits of promotion to the petitioner in graduate trained pay scale on the basis of her qualification of Sahitya Alankar from Hindi



Vidyapeeth, Deoghar, Jharkhand and to provide all the monetary benefits i.e. differences of arrears of salary, differences of arrears of pensionary benefits as also to revise her monthly pension, as she has retired on 29.02.2020 while discharging her duties as an Assistant Teacher in Govt. Kanya Primary School Dighwara, Anchal - Dighwara, District-Saran at Chapra.

(vi) For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner will be entitled in the facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that similar matter has already been disposed of vide order dated 19.02.2026 in CWJC No. 2690 of 2026 and he, therefore, prays that the present application may also be disposed of in terms of the said order.

4. Learned counsel for the respondent-State and learned counsel for the Account General do not have any objection to the submission made by learned counsel for the petitioner.

5. In light of the above submission made by learned counsel for the petitioner, this writ application is disposed of in



terms of the order dated 19.02.2026 passed in CWJC No. 2690 of 2026 and the District Education Officer, Saran and District Programme Officer (Establishment), Saran are directed to dispose of the pending representations of the petitioner dated 23.02.2026 vide Annexure-P/16 series within three months from the date of production of a copy of this order by the petitioner, after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the District Education Officer, Saran and District Programme Officer (Establishment), Saran should be a reasoned and speaking order. It is further made clear that in case, the petitioner is found entitled to the relief, the same shall be extended to the petitioner within a further period of one month from the date of passing of the final order.

6. With the aforesaid observation/direction, 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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