

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5524 of 2026

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1. Lal Bahadur Sharma S/o Late Nathuni Sharma, Resident of village Kanail, P.O. Nazipur, P.S. Rahika, District Madhubnai, Bihar 847215.
 2. Deo Narayan Singh, S/o Late Ramkrishn Singh, Resident of Mohalla- Budh Nagar, P.O. and Madhubani, District Madhubani Bihar, 847215.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-04-2026 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 writ, order or direction, quashing Office Orders contained in Memo No. 2252 dated 24.05.2025 issued by the District Education Officer (Establishment), Madhubani said to be in compliance of Raghvendra Sharma (CWJC 15610/2018) but without following its direction and without considering promotion in Graduate Trained Scale and promotion to the post of Head Master in accordance with Bihar Primary Teachers (Promotion) Rules, 1993 and as ordered by this Hon'ble Court in the case of Raghvendra Sharma (CWJC 15610/2018) and Full Bench of this Hon'ble High Court, in the matter of Ramnath Prasad Singh vs. State of Bihar & Ors., 2009 (3) P.L.J.R. 384.



ii. Issuance of writ of an appropriate nature, order or direction commanding respondents to prepare fresh year wise seniority list and consider petitioner for granting pay scale of Graduate Trained Teachers and on the post Head Master (HM) strictly in accordance with the Bihar Primary Teachers (Promotion) Rules, 1993 and as ordered by this Hon'ble Court in the case of Raghvendra Sharma (CWJC 15610/2018) and Full Bench of this Hon'ble High Court, in the matter of Ramnath Prasad Singh vs. State of Bihar & Ors., 2009 (3) P.L.J.R. 384. Petitioner's name has not considered and included despite forwarding his name pursuant to the letter no. 1221 dt.15.4.2023 issued by Dist Education Officer Madhubani, petitioner's objections/ representation dt. 11.11.2024/28.04.2025.

iii. For granting consequential benefits of arrears of difference of salary and allowances due to grant of Graduate Trained Pay Scale and pay scale of HM till his retirement and consequential benefit in revising monthly pension including payment of difference of pension amount on account of promotion and those differences of amount after recalculation of terminal benefits of Gratuity and leave encashment calculated as per revision pay scale and allowances along with interest at the rate of 12% p.a. on delayed benefits.

iv. 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 petitioners case for grant of



graduate trained pay-scale was considered by publishing provincial 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 5 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 5 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, 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 of.

(Ajit Kumar, J)

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