

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5395 of 2026

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Anita Kumari Wife of Shri Rajiv Kumar, Resident of Village- Chaknoor, Post Office- Gadaisaray, Hajipur, Police Station- Hajipur Sadar, District- Vaishali. At present posted and working as an Exclusive Teacher (Vashishtha Shikshak) in Govt. Upgraded Middle School Purushottampur No.1, Anchal- Raghapur, District- Vaishali.

... .. 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 Additional Chief Secretary cum-the Principal Secretary, Finance Department, Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Vaishali.
6. The District Programme Officer (Establishment), Vaishali.
7. The Block Development Officer, Anchal- Raghapur, District- Vaishali.
8. The Block Education Officer, Anchal- Raghapur, District- Vaishali.
9. The District Accounts Officer, Vaishali.
10. The District Treasury Officer, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Adv.
For the Respondent/State:		Mr.Additional Advocate General (3)
		Mr.Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 21-04-2026 Heard learned counsel for the petitioner and learned counsel appearing for the respondent-State.

2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

3. 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 provide Matric Trained Grade to the petitioner from the date of completion of session i.e. since 2015 as also the payment of differences of arrears of salary since 2015 to the month of October, 2025, as the petitioner had appeared for D.El.Ed. (Open Distance Learning) through Bihar School Examination Board, Bihar, Patna for the session 2013-15 but due to lapses on the part of the concerned authorities, the training was completed on 21.05.2017 and the examination was conducted by the Bihar School Examination Board, Bihar, Patna in the year 2018 and final statement of marks has been issued on 31.03.2019 and the petitioner has been provided the Matric Trained Grade notionally since 21.05.2017 i.e. since the date of relieving from the teachers training institution in compliance of the order passed by the Hon'ble Patna High Court in CWJC No. 16165/2019 (Kishor Kumar and Others vs. the State of Bihar and Others) and the monetary benefits since 31.03.2019 since the date of publication of result of teachers training.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to sympathetically consider the case of the petitioner, as similarly situated teachers in the district of Vaishali whose teacher's training session is 2013-15, they have been given the Matric Trained Grade notionally since 2015 and on that basis, the petitioner fixation has also been done since the month of November, 2025 at Rs. 30750/-, for which, she is entitled but till date, the differences of arrears of salary for the period since 2015 till October, 2025 has not been ensured even though under Bihar Litigation Policy, 2011, Rule 4 (C)(1),



she is also entitled for same and similar relief.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner dated 16.02.2026 by ventilating her genuine grievances for providing Matric Trained Grade to the petitioner from the date of completion of session i.e. since 2015 as also the payment of differences of arrears of salary since 2015 to the month of October, 2025.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner will be found entitled in the facts and circumstances of the case.”

4. Learned counsel for the petitioner submits that the relief being sought for by the petitioner is squarely covered by a judgment of this Court delivered in CWJC No. 16165 of 2019 (Kishor Kumar and Others vs. the State of Bihar & Others). He further submits that the said judgment delivered by this Court is a judgment *in rem* and therefore as per the Bihar Litigation Policy, the relief should also have been granted to the petitioner but till date, it has not been given to the petitioner, thereby compelling the petitioner to approach this Court. Learned counsel for the petitioner further submits that for seeking the aforesaid reliefs, the petitioner is prepared to file a fresh representation before the respondent no. 4 (The Director, Primary Education, Govt. of Bihar, Patna) and prays that an



appropriate direction be issued to the respondent no. 4 to decide the representation of the petitioner within a fixed time frame, after giving an opportunity of hearing to the petitioner, in light of the judgment of this Court delivered in CWJC No. 16165 of 2019 read with the Bihar Litigation Policy.

5. To the aforesaid submission being made by learned counsel for the petitioner, learned counsel appearing for the respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a fresh representation before the respondent no. 4 (The Director, Primary Education, Govt. of Bihar, Patna) within one month from today and if such a representation is filed by the petitioner, the same shall be disposed of within a period of three months from the date of receipt of the representation, after giving an opportunity of hearing to the petitioner.

7. Needless to emphasize that the final order which shall be passed by the respondent no. 4 (The Director, Primary Education, Govt. of Bihar, Patna) should be a reasoned and speaking order. In case, the petitioner is found entitled to the relief which the petitioner would be claiming through the



representation, the same should be extended to the petitioner within a further period of three months from the date of passing of the final order.

8. With the aforesaid observation/direction and liberty granted, 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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