

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5830 of 2026

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1. Bibi Murshida Khatoon Wife of Md. Taj Uddin, Daughter of Mohd. Islam Uddin, Resident of village- Zamira, P.O.- Tarauna, P.S.- Jalalgadh District - Purnia.
 2. Bibi Musarrat Bano, Wife of Md. Ashfaque Alam, Resident of village- Chakai, Ward no.- 08, P.S- Jokihat, District - Araria.
 3. Abdul Wahab, Son of Sekh Najmul Haque, Resident of village- Nawagachhi, P.O- Tarauna, P.S-Jalalgadh District - Purnia.
 4. Bibi Ishrat Jahan, Daughter of Late Md. Hafizur Rahman, Resident of village- Madhopara, P.O and P.S- Khajanchi Hat, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Nazia Quamar, Adv.
For the Respondent/s : Mr.Government Pleader (26)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioners and learned
counsel appearing for respondents-State.

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

3. The petitioners in the present writ application have
prayed for the grant of following reliefs:

*“1. For issuance of an
appropriate writ, order or direction,
preferably in the nature of Mandamus,
commanding the respondents to
extend and grant to the petitioners the
same service benefits, including
seniority, annual increments, ACP and*



other consequential benefits, as have been extended to similarly situated employees who were appointed earlier pursuant to same advertisement & panel, notwithstanding the fact that the petitioners were appointed belatedly due to the action/inaction on the part of the respondent authorities;

II. For issuance of an appropriate writ, order or direction, preferably in the nature of Mandamus, commanding the respondents to grant all such service benefits to the petitioners on notional basis for the period prior to their joining and on actual basis thereafter, with effect from the date on which employees admittedly junior to the petitioners were appointed and granted such benefits;

III. Further be pleased to dispose of the case of the petitioners in the light of the judgment dated 08.12.2025 passed in C.W.J.C. No. 15663 of 2022 (Annexure-P/5), the issues involved being squarely covered by the said judgment, as well as in view of the law laid down by the Hon'ble Supreme Court in (2008) 7 SCC 728 (Balwant Singh Narwal & Ors. vs. State of Haryana & Ors.) and the judgment dated 03.04.2018 passed in C.W.J.C. No. 13797 of 2016 (Annexure-P/4).

IV. For a declaration that denial of equal treatment to the petitioners, who are similarly situated, in the matter of salary, annual increments, ACP and other service benefits is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.



V. For issuance of any other appropriate writ or order(s) or direction(s) which Your Lordships may deem fit and proper in the facts and circumstances of the case.”

4. Learned counsel for the petitioners submits that the issue have already been settled by the Hon’ble Apex Court in the case of **Balwant Singh Narwal & Ors. vs. State of Haryana & Ors.** reported in **(2008) 7 SCC 728** and the petitioners’ case is also covered by the judgment of this Court in CWJC No.15663 of 2022 (Santosh Kumar & Ors.vs. State of Bihar & Ors.). It is, therefore, submitted that the authorities may be directed to adjudicate the claims of the petitioners for which the petitioners are ready to file separate representations.

5. Learned counsel appearing for respondents-State submits that the petitioners may be directed to file individual representations providing details of their service profile along with supported materials for adjudication of their claims.

6. Considering the above, the petitioners are directed to file individual representations before the Director, Primary Education, Department of Education, Government of Bihar, Patna, along with all supportive documents and the judgments relied upon by them, within four weeks from today. If the individual representations are filed within the stipulated



time, the Director, Primary Education, Department of Education, Government of Bihar, Patna, shall dispose of the same within a period of eight weeks from the date of receipt of the representations.

7. Needless to emphasize that the final order which shall be passed by the Director, Primary Education, Department of Education, Government of Bihar, Patna should be a reasoned and speaking order. Opportunity of hearing should be granted to the petitioner. It is further made clear that if the Director, Primary Education, Department of Education, Government of Bihar, Patna comes to the conclusion that the petitioners are entitled to the relief, which the petitioners would be claiming through their representations, then the same should be extended to the petitioners within a further period of four weeks from the date of passing of the final order.

8. With the aforesaid observation, direction and liberty as granted, the present writ application stands disposed of. All pending I.As, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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