

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6897 of 2026

1. Dhirendra Kumar Garg Son of Markandey Dubey, Permanent Resident of Village and Post- Jaitpur, Daudpur, District- Saran (Chapra presently posted at Middle School Maunadal Dali, Loke Road, Chapra Nagar, Saran.
2. Manoj Kumar Tiwary, Son of Tarachand Tiwary, Resident of Village Devdia, Post- Parsagarh, P.S.-Ekma, District- Saran, presently posted at Upgraded Middle School, Devdia West Tola, Ekma, Saran.
3. Sanjay Kumar Ram, Son of Madan Ram, Resident of Village- Chamarhiya, P.S.- Daudpur, District- Saran (Bihar), presently posted at Upgraded Middle School Khadarhiya Manjhi, Saran.

... .. 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, Govt. of Bihar, Patna.
3. The Additional Chief Secretary -cum- the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Saran Division, Chapra.
6. The District Education Officer, Saran.
7. The District Programme Officer (Establishment), Saran.
8. The District Accounts Officer, Saran.
9. The District Treasury Officer, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rahul Raj

For the Respondent/s : Mr. Kumar Manglam, AC to SC-24)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 05-05-2026 The instant writ petition has been filed for the following relief:

(i) For directing the respondent authorities concerned to provide the benefits in light of letter no.571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education



Department, Government of Bihar, Patna, by which, direction has been given for providing the notional benefits of trained pay scale from the date of relieving after completion of training and monetary benefits from the date of publication of result of teachers training and since the petitioners had been sent for one year in-service teachers training course for the session 2000-2001 and after completion of training, they were relieved to join their respective schools on 31.05.2001 and in the light of the aforesaid letters, the petitioners are entitled for grant of notional benefits since 31.05.2001, the date on which, they were relieved to join their respective schools after completion of training and due to not providing the notional benefit from the date of their entitlement, the petitioners are at loss of seniority, etc.

(ii) Further, for issuance of a writ in the nature of Mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioners in the light of the aforesaid letter no.571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Government of Bihar, Patna and to provide the notional benefits from the date of completion of training, as there is laches on the part of the respondent/ State for not sending the petitioners for in-service teachers training course and taking examination belatedly in which all the petitioners successfully passed.

(iii) for directing the respondent authorities



concerned to dispose of the representations of the petitioners dated 22.05.2025 addressed to the District Education Officer, Saran by ventilating the genuine grievance of the petitioners for providing the notional benefits from the date of relieving after successful completion of teachers training.

(iv) For any other order(s) for which the petitioners will be found entitled in the facts and circumstances of the case.

2. Counsel for the petitioners submits that the petitioners have completed their in-service teachers training course for the Sessions 2000-2001 and the final examination of the said Sessions were conducted in the year 2004 due to laches on the part of the respondent State authorities and there was no lapses on the part of the petitioners and, therefore, they are entitled to grant of such benefits of grade pay of trained teachers in the light of the judgment rendered by the Co-ordinate Bench of this Court in the case of **Kishor Kumar and others Vs. The State of Bihar & Ors. (CWJC No. 16165 of 2019)** from the date of completion of their in-service teachers training courses.

3. It is next submitted that the issues have already been put at rest relying upon the judgment passed by the Co-ordinate Bench rendered in the case of Kishor Kumar (supra), a detailed order has been passed in the case of Manoj Kumar &



Ors. Vs. State of Bihar & Ors. (CWJC No. 7938 of 2020), which squarely covers the case of these petitioners.

4. It is next submitted that against the order passed by the Co-ordinate Bench, the State authorities have preferred appeal before the Hon'ble Division Bench by filing LPA No. 456 of 2021 (The State of Bihar & Ors. Vs. Manoj Kumar & Ors.) and the Hon'ble Division Bench has affirmed the order passed by the Co-ordinate Bench of this Court, which is being reproduced herein below:-

*“-----5. It is to be noted that appellants-State have not preferred LPA in **Kishor Kumar and Others** (supra) case. On the other hand, they have not taken note of specific words in the **Kishor Kumar and Others** (supra) to the following extent:-*

"The respondents have to take decision granting benefit of trained scale to the petitioners with effect from the date of completion of their training i.e., May, 2017. Necessary decision in this regard with all consequential monetary benefits must be taken by the Director, Secondary Education within a period of sixty days from date of receipt/production of a copy of this order".

Underline Supplied

6. In this backdrop, appellants cannot take decision of notional benefits when the order is very specific to the extent that necessary decision in this regard with all consequential monetary benefits



must be taken by the Director. The same decision has been passed in number of cases including the present case. The appellants have taken their own time to publish the result with reference to completion of training course in the month of May, 2017. For no fault on the part of the respondents, denial of certain service and monetary benefits on behalf of the appellants would be arbitrary, therefore, the appellants have not made out a case so as to interfere with the impugned order of the learned Single dated 01.02.2021 passed in passed in CWJC No. 7938 of 2020.”

5. Lastly, it is submitted that against the order passed by the Hon’ble Division Bench in LPA No. 456 of 2021 in the case of Manoj Kumar (supra), the State authorities have moved before the Hon’ble Apex Court by filing Special Leave Petition (Civil) Diary No(s) 66035 of 2025 and the Hon’ble Apex Court has also declined to interfere with the impugned order. Accordingly, the Special Leave Petition preferred by the State got dismissed.

6. On the other hand, counsel for the State submits that since the issues have already been adjudicated and put at rest, therefore, all the petitioners may be directed to file individual representation, giving their service profile with all supportive materials before the concerned District Education



Officer, within a period of six weeks from today and, on filing of such representation with all supportive materials and the judgments referred herein above, it is expected that the concerned District Education Officer shall consider the grievances of the petitioners and on finding their claim to be justified in law and as also in consonance with the parameters fixed by the Hon'ble Courts in the judgment rendered in the case of Manoj Kumar (supra), necessary order shall be passed within a further period of eight weeks and if the petitioners are found entitled to such benefits, the same shall also be extended to them within the same period, as stated above.

7. With the aforementioned observations and directions, the writ petition stands disposed of.

(Ajit Kumar, J)

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