

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7760 of 2026

1. Bharat Bhushan Son of Shambhu Prasad Sah, Village at Chabrawn, P.S. Bahwahat, District-Saharsa, Presently Posted as Pradhan Teacher in Primary School Bindpur Simri Bakhtiyarpur Saharsa.
2. Anit Kumar Son of Yogendra Prasad Sah, Resident at Sarahi Kahara, P.S.- Saharsa, District -Saharsa, presently posted at Primary Teacher in Nawsrijit Primary School, Bhartiya Nagar, Saharsa, District - Saharsa,
3. Kanhaiya Kumar Biswas Son of Kapleshwar Mandal, Resident at Nagar Palika Chowk, P.S.-Saharsaz, District-Saharsa, presently posted as Primary, Teacher in Primary School Damgadhi Panchayat, Nado Sour Bazar, District Saharsa.
4. Naresh Kumar Nirala Son of Mahadev Sharma, Resident at Madhura. P.S. Sour Bazar, District Saharsa presently posted at Primary Teacher in Primary School Damgadhi Panchayat Nado, Sour Bazar, Saharsa.
5. Arun Kumar Son of Padmanand Jha, Resident of Vishnupur, P.S.- Murliganj, District-Madhepura, Presently Posted as Primary Teacher in Utkramit Middle School, Rampur Tapra, Murliganj, Madhepura.
6. Avinash Kumar Son of Arvind Prasad Kunwar, Resident at Jorgama, P.S. Murliganj, District-Madhepura, Presently posted as Graduate Grade (Trained) Teacher in Utkramit Middle School, Rampur No.1, Murliganj, Madhepura.
7. Prashant Kumar Son of Bivuti Bhushan Das, Resident of Dinapatti, P.S. Murliganj, District-Madhepura, presently posted as Primary Teacher in Utkramit Middle School Rampur No.-1, Murliganj, Madhepura.
8. Md. Sikandar, Son of Md. Abbas, Resident of Bhatkhora, P.S.-Murliganj, District-Madhepura, Presently posted as Primary Teacher Utkramit Middle School, Mirganj, P.S.-Murliganj, Madhepura.
9. Rishi Kumar, Son of Surendra Prasad Yadav, Resident of Bancholha, P.S.- Ghailarh, District-Madhepura, Presently Posted as Graduate Grade (Trained) Teacher in Utkramit Middle School, Godhiyari Block, Madhepura, District-Madhepura.
10. Amrita Pritam, daughter of Sikandar Prasad Yadav, wife of Rishi Kumar, Resident of Anand Bihar, P.S.- Madhepura, District Madhepura, Presently posted as Graduate Grde (Trained) Teacher in Nawsrijit Primary School, Madhuban Ram Tola No.-1, Block-Madhepura, District-Madhepura.
11. Amarkant Kumar Son of Shrikant Yadav, Resident of Bhelahi, P.S.- Murliganj, District-Madhepura, Presently Posted as Pradhan Teacher Nawsrijit Primary School, Godhiyari, Rampur, P.S.-Murliganj, Dist.- Madhepura.
12. Rajkumar Mandal Son of Suryanarayan Mandal resident of Bhan, P.S. Madhepura, District-Madhepura, Presently posted as Graduate Grade (Trained) Teacher in Middle School, Champanagar Giddha, P.S.- Singheshwar, District Madhepura.
13. Pankaj Kumar Son of Chalittar Prasad Yadav, Resident of Karari Tola, Tofir, P.S.-Mufassil, Munger, District- Munger Presently posted as Primary



Teacher in Railway Primary School, Mansi, Khagariya.

14. Mithilesh Kumar Son of Ramdeo Prasad Mehta, Resident of Kamalpur, P.S. Ghailarh, District-Madhepura, Presently posted as Graduate Grade (Trained Teacher in Middle School, Lakshmipur, Block- Bihariganj, District-Madhepura.
15. Manoj Kumar Son of Lakshman Prasad Yadav, Resident of Kathoutia, P.S. Bihariganj, District-Madhepura, Presently posted as Graduate Grade (Trained) Teacher in Utkramit Middle School, Shekhpura (Boys) Block Bihariganj, District Madhepura.
16. Avay Prakash, Son of Laxman Choudhary, Resident of Jhakhrahi, P.S. Supaul, District-Supoul presently posted as Graduate Grade (Trained) teacher in Utkramit Middle School Ajan Block Supaul, District-Supaul.
17. Puskar Kumar Bharti Son of Shashikant Prasad Yadav, Resident of Tamout Parsa, P.S.-Murliganj, District-Madhepura, Presently posted as Primary Teacher in Middle School, Tulsiya East (Navy Tola) Block Bihariganj, District-Madhepura.
18. Ranjan Kumar Son of Abhinandan Prasad Yadav, Resident of Raghunathpur, P.S. Murliganj, District-Madhepura, Presently posted as Graduate Grade (Trained) Teacher in Middle School Tulsiya East (Navy Tola), Block Bihariganj, District-Madhepura.
19. Sanjay Paswan Son of Ghamandi Paswan, Resident of Kusthan P.S.-Bihariganj, District-Madhepura, Presently Posted as Primary Teacher in Nawsrijit Primary School Gangara, Paschim Tola Block-Bihariganj, District-Madhepura.
20. Vikash Kumar Son of Ganesh Rajak, Resident of Bhirkhi P.S. Madhepura, District-Madhepura, Presently posted as Primari Teacher in Nawsrijit Primary School, Haji Md Tola, Lakshampur Bhagwati Block Kumarkhand, District Madhepura,
21. Sanjeev Kumar Son Hari Shankar Yadav, Resident of Vishanpur, P.S. Arar, District - Madhepura, Presently posted as Primary Teacher in Utkaramit Middle School Arar Santhali, Gwalpara, Madhepura.
22. Dharendra Kumar Son of Surendra Mandal, Resident of Defra P.S.-Arar, District Madhepura, Presently posted as Primary Teacher Utkramit Middle School, Arar, Santhali, Gwalpara, Dist.-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar. Patna.
3. The Regional Deputy Director of Education, Koshi (Saharsa).
4. The Regional Deputy Director of Education, Munger.
5. The District Education Officer, Madhepura.
6. The District Education Officer, Supoul.
7. The District Education Officer, Saharsa



8. The District Education Officer, Khagariya.
9. The District Programme Officer (Establishment) Madhepura.
10. The District Programme Officer (Establishment), Supoul.
11. The District Programme Officer (Establishment), Saharsa.
12. The District Programme Officer (Establishment), Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.
For the Respondent/s : Mr.Government Advocate (10)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 16-06-2026 The instant writ petition has been filed for the following relief:

(i) For issuance of an appropriate writ for commanding the respondents for grant of trained pay scale from the date of completion of their training in the light of order dated 01.02.2021 passed in CWJC No. 7938 of 2020.

(ii) Further, for issuance of an appropriate writ for commanding the respondent for grant of other financial benefit along with its arrears.”

2. Counsel for the petitioners submits that the petitioners were sent for training in the sessions 2015-17 and 2016-18, and candidates of both sessions appeared in a common examination, the result of which was published on 19.01.2019 and the trained pay scale was granted to the petitioners from the



date of publication of the said result. It is next submitted that the petitioners are entitled to grant of such benefits of grade pay of trained teachers from the date of completion of the training 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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