

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7576 of 2026

1. Baidyanath Rai Son of Tileshwar Rai, Resident of Vill and Post- Machhahi, P.S.- Sakra, Distt- Muzaffarpur. At present posted and working as an Headmaster Government Middle School, Sariaya, Muzaffarpur.
2. Jagannath Prasad, Son of Late Indradev Bhagat, Resident of Maharaja Colony, Pankha Toli, Mushari, Post Muzaffarpur, P.S. Kazi Mahamadpur, District- Muzaffarpur. At present posted and working as Headmaster, Upgraded Middle School Chandparna, Muzaffarpur.
3. Mohammad Aslam, Son of Late Mohammad Mustak, Resident of Ganj Gaurihar, P.S. Bariyarpur (Sakra), District Muzaffarpur. At present posted and working as Assistant Teacher, Upgraded Middle School Donwa Urdu, Sakra Muzaffarpur.
4. Amrendra Kumar Jha, Son of Late Makardhwaj Jha, Resident of Jarang Dih, P.S. Gaighat, District Muzaffarpur. At Present posted and working as Assistant Teacher, Upgraded Middle School Roshi.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur, Bihar.
6. The District Programme Officer (Establishment), Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar
For the Respondent/s : Government Pleader (20)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 14-05-2026 Heard learned counsel for the petitioners and

learned counsel for the State.

2. The writ petition has been filed for the following
reliefs :-



- i. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to shift the date of promotion of the petitioners in graduate trained pay scale to 2002 i.e. after completion of eight years of service and the scale of Headmaster since 2007 as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993 in the light of the order passed by this Hon'ble High Court in the case of similarly situated teachers vide CWJC No. 15610 of 2018 (Raghevendra Sharma and Others vs. the State of Bihar and Others), as the petitioners had been appointed through Bihar Public Service Commission, Bihar, Patna in the year 1994 but their promotion in the graduate trained pay scale and in the scale of Headmaster has not been shifted from the due of their entitlement even though several similarly situated teachers in the district of Muzaffarpur have already been given the promotion from the due date of their entitlement along with all consequential and monetary benefits.*
- ii. For considering the promotion of petitioner in graduate trained pay of scale as well as in the pay scale/grade pay of Head Master w.e.f. juniors were granted promotion as well as in the light of the order passed by this Hon'ble Court dated 12.09.2022 passed in CWJC No. 15610 of 2018 (Raghvendra Sharam and Others. vs. The State of Bihar and Others)*
- iii. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent for implementation of memo no. 592 dated 10.05.2013 issued by the Director, Primary*



Education, Govt. of Bihar, Patna, by which, there is direction that if junior teacher has been promoted the senior teacher will also be given the same and similar benefits from the date since when the juniors have been granted the said benefits.

iv. For further commanding the respondent authorities to grant his promotion w.e.f. juniors were promoted with all consequential benefits.

v. To declare that the action/ inaction of the authorities of the Education Department in the District of Muzaffarpur (respondent nos.5 and 6) in not considering the grievances of the petitioners raised in the representation dated 05.02.2026, and in failing to redress the same, is in violation of Clause 4(C)(1) of the Bihar State Litigation Policy, 2011 and is illegal, arbitrary, mala fide, malicious and discriminatory, and therefore violative of Article 14 of the Constitution of India.

vi. 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 and followed with final list having been notified, which is appended with the writ petition. 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 petitioners have already completed 5 years of their 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, Muzaffarpur, 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 petitioners' 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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