

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7744 of 2026

Kamini Thakur wife of Arun Kumar Thakur, Resident of ward no. 31, Agarwa Gali No. 1 Near Hospital Chowk, P.S Sadar, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director Primary Education, Government of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The District Education Officer, East Champaran, Motihari.
5. The District Programme Officer, Establishment, East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Baitha, Adv.

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioner 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 petitioner in the present writ application has prayed for the grant of following reliefs:

“(i) For issuance of an appropriate writ/ writs, order/ orders, direction/ directions, commanding the respondent authorities to grant the benefit of Time Bound Promotion/ ACP/ MACP to the petitioner, who has been working on the post of Physical Education Teacher since 14.05.1988 and has completed more than 37 years of continuous regular service, but



has been illegally deprived of any promotional as well as financial up-gradation benefits till date;

(ii) For issuance of an appropriate writ/writs, order/ orders, direction/ directions, commanding the respondent authorities to extend the benefit of TBP/ ACP/ MACP to the petitioner in the light of the judgment passed in CWJC No. 6725 of 2018 (Birendra Kumar Singh vs. The State of Bihar & Others), wherein this Hon'ble Court has been pleased to hold that Physical Trained Teachers are also entitled to such benefits, and further in view of the State Litigation Policy, 2011, which mandates that benefits arising out of settled judicial decisions be extended to similarly situated employees without compelling them to approach this Hon'ble Court;

(iii) For issuance of order/ orders, direction/ directions, particularly in the nature of Mandamus, commanding the respondent authorities to act in compliance with and give full effect to Paragraph No. 14 of the judgment passed in CWJC No. 6725 of 2018, and in view of the adoption of the MACP Scheme pursuant to the Cabinet decision dated 01.10.2012, and consequently:

(a) to hold and declare that the petitioner became entitled to the 1st Time Bound Promotion (Pay Scale Rs. 4500-7000, as granted to similarly situated employees including Sri Birendra Kumar Singh) w.e.f. 14.05.1998;

(b) to further hold and declare that the petitioner is entitled to the 2nd financial upgradation under ACP/MACP w.e.f.



01.01.2009; and

(c) to further hold and declare that the petitioner is entitled to the 3rd financial upgradation under MACP w.e.f. 14.05.2018, upon completion of 30 years of continuous service;

(iv) For issuance of appropriate direction(s) commanding the respondent authorities to grant all consequential monetary benefits to the petitioner, including fixation/re-fixation of pay, payment of arrears, and revision of pensionary benefits, along with admissible statutory interest on such arrears, within a stipulated period as may be fixed by this Hon'ble Court;

(v) For grant of any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the case.”

4. Learned counsel for the petitioner submits that the case of the petitioner squarely covered by judgment dated 17.10.2019 passed by a co-ordinate Bench of this Court in CWJC No.6725 of 2018, which has been brought on record by way of Annexure-P/7. He further submits that for seeking the relief as prayed for in the present writ application in light of the judgment of this Court dated 17.10.2019 passed in CWJC No.6725 of 2018, he has already filed a representation before the Director, Primary Education, Education Department, Government of Bihar on 01.12.2025 (Annexure-P/10) and the



same continues to be pending. Learned counsel, therefore, submits that the petitioner would be satisfied if an appropriate direction could be issued to the Director, Primary Education, Education Department, Government of Bihar to dispose of the pending representation of the petitioner dated 01.12.2025 (Annexure-P/10), within a fixed time frame after giving an opportunity of hearing to the petitioner.

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

6. Considering the limited nature of prayer made by learned counsel for the petitioner, this writ application is disposed of directing the Director, Primary Education, Education Department, Government of Bihar to dispose of the pending representation of the petitioner dated 01.12.2025 (Annexure-P/10) in light of the judgment of this Court dated 17.10.2019 passed in CWJC No.6725 of 2018 (Annexure-P/7) after giving an opportunity of hearing to the petitioner. The order disposing of the pending representation of the petitioner shall be passed within three months from the date of receipt/production of a copy of this order, after giving an opportunity of hearing to the petitioner.



7. Needless to emphasize that the final order which shall be passed by the Director, Primary Education, Education Department, Government of Bihar should be a reasoned and speaking order. It is further made clear that in case the petitioner is found entitled to the relief, which the petitioner is claiming through the pending representation in light of the judgment dated 17.10.2019 passed in CWJC No.6725 of 2018 (Annexure-P/7) then 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 and direction 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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