

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7747 of 2026

Nilamber Kumar Jha son of Late Rajendra Jha, Resident of village- Ward No. 11, Gaura Shakti Tola, Police Station- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Director Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Khagaria, District- Khagaria.
5. The District Programme Officer (Establishment) Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Sweta Raj, Adv.

For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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:

“a) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities for fixation of salary of the petitioner in the trained graduate pay scale in view of the provision contained in Rule 22(A) (i) (ii) (iii) and (iv) of the fundamental rules which inter alia on promoted, the salary payable on the



date of promotion would be fixed and thereafter pay fixation would be done after giving benefits of additional one increment of the existing pay scale and to pay arrears of salary of the petitioner after aforesaid fixation from the date when they have been granted trained graduate pay scale by the respondent authorities.

b) To further direct the respondent authorities as per promotion rule go grant promotion on the post of Headmaster to the petitioner and their consequential benefits with effect from 29.12.2012.

c) For issuance of any other appropriate writ, order, direction for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

4. Learned counsel for the petitioner submits that the issue involved in this writ application is no longer res-integra and the same is squarely covered by a judgment of this Court dated 22.08.2019 passed in CWJC No.11255 of 2016 and other analogous cases, which has been brought on record by way of Annexure-P/3. She further submits that in light of this judgment the petitioner has already filed a representation dated 01.12.2025 before the District Education Officer, Khagaria (Annexure-P/7) and the same continues to be pending. Learned counsel further submits that the petitioner would be satisfied if



an appropriate direction could be issued to the District Education Officer, Khagaria to dispose of the pending representation of the petitioner 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 District Education Officer, Khagaria to dispose of the pending representation of the petitioner dated 01.12.2025 (Annexure-P/7) in light of the judgment dated 22.08.2019 passed by this Court in in CWJC No.11255 of 2016 and other analogous matter, 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 District Education Officer, Khagaria 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 22.08.2019 passed in CWJC



No.11255 of 2016 and analogous matter, 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 by the District Education Officer, Khagaria

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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