

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8682 of 2026

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1. Rajendra Prasad, Son of Late Singheshwar Yadav, Resident of village - Kuriban, ward no.-07, via- Narhia, P.O.- Dhabahi, P.S. and Block - Laukahi, District -Madhubani.
 2. Durganand Choudhary, Son of Late Dev Narayan Choudhary, resident of village and P.O.-Mansapur, via- Narhia, P.S. - Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Vikas Bhawan, Baily Road, Patna.
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The District Education Officer, Madhubani.
4. The District Program Officer (Establishment), Madhubani.
5. The Block Education Officer, Laukahi, District- Madhubani.
6. The Block Education Officer, Ghoghardiha, District- Madhubani.
7. The Treasury Officer, Madhubani.
8. The Principal Accountant General (A and E) Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar, Advocate
For the State	:	Mr. Vivek Prasad, GP 7
		Mrs. Manisha Singh, AC to GP 7
		Ms. Mita Kumari, AC to GP 7
for the AG, Bihar	:	Mr. Prabhat Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-07-2026 Heard learned counsel appearing on behalf of the petitioner; learned counsel for the State and learned counsel for the AG, Bihar.

2. The petitioners in paragraph no. 1 of the present writ petition have sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-



“I. For a direction on the respondents, particularly the respondent District Program Officer, Establishment, Madhubani to revise the Pension, D.C.R.-Gratuity & Leave encashment of the petitioners after approving their dues of 1st & 2nd ACP(s) in view of the ratio laid down by the Hon'ble Patna High Court in the case of Birendra Kumar Singh vs. the State of Bihar & others in C.W.J.C. no. 6725 of 2018 whereby, on 17.10.19 the Hon'ble Court has been pleaded to allow the writ petition holding that for the purpose of financial up gradation to Matric -untrained teachers there is no bar. Apart from this, recently on 28.6.24 the Larger Bench of the Hon'ble Court while hearing the case of Kamlanand Thakur Vs. the State of Bihar & others also has been pleased to hold that passing of Departmental Examination or acquiring any educational qualification for promotion is not required for the benefits of ACP.

II. For a further direction on the respondents to approve the trained pay scale from the effective date to the petitioners in terms of the Order / direction dated 13.10.11 issued by the Hon'ble Apex Court in the case of Nand Kishore Ojha Vs. the State of Bihar & others, as the petitioners are under the list of 34540 teachers and the petitioner no.2 belongs to the Schedule-Tribe community but, the roster has been ignored in his case.

III. For a further direction on the respondents to dispose of the last representations both dated 31.3.26 of the petitioners.

IV. For a further direction on the respondents to pay 5% statutory interest over the dues of pension & gratuity, as provided under the memo no. 3155, dated 7.11.81 of the Finance Department.”

3. Learned counsel appearing on behalf of the petitioners seeks to file a detailed representation before the Director, Primary Education, Education Department, Government of Bihar for the relief as prayed for in the present writ petition.

4. Considering the aforesaid submission made on behalf of the petitioners, the petitioners, if so advised, may file a detailed representation before the Director, Primary Education,



Education Department, Government of Bihar. In that case, the Director, Primary Education is directed to consider the claim of the petitioners in accordance with law and make payment of admissible dues well within a period of six weeks.

5. In case of failure, the petitioners are at liberty to take action against the concerned respondent.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

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