

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9574 of 2026

1. Birendra Prasad Singh Son of Late Dwarika Singh, Resident of Village- Bag Said Khan, P.O.- Chechar, P.S.- Bidupur, District- Vaishali.
2. Jainath Ray, Son of Late Kailash Ray, Resident of Village and P.O.- Bajitpur Saidal, P.S.- Bidupur, District- Vaishali.
3. Jaleshwar Prasad Sah, Son of Late Jaga Sah, Resident of Village- Mataiya, P.O.- Madhopur Ram, P.S. and District- Vaishali.
4. Harishankar Sah, Son of Late Anant Lal Sah, Resident of Village- Sisauni Rajauli, P.O.- Rajauli, P.S.- Hazipur Sadar, District- Vaishali.
5. Shailendra Rajak, Son of Late Shivaji Rajak, Resident of Village- Sisauni Rajauli, P.O.- Rajauli, P.S.- Hazipur Sadar, District- Vaishali.
6. Baidyanath Singh @ Baidhnath Singh, Son of Late Harvansh Singh, Resident of Village and P.O.- Gokhula, P.S.- Pidupur, District- Vaishali.
7. Vishnudeo Roy, Son of Rampratap Roy, Resident of Village- Mogalchak, P.O. and P.S.- Mohiuddin Nagar, District- Samastipur.
8. Mithilesh Prasad Sinha, Son of Late Shivji Prasad Sinha, Resident of Village- Kazipatti, P.O.- Mohanpur, P.S.- Bidupur, District- Vaishali.
9. Ahilya Kumari, Daughter of Baldeo Yadav, Resident of Village and P.O.- Dandari, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The Deputy Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Adv. Mr. Prashant Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (26)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The writ petition has been filed for the following



reliefs :-

“1. That, this petition is for direction to respondents for grant of same and similar treatment for grant of benefits as granted by this Hon'ble Court in C.W.J.C. No. 15663 of 2022 vide order-dated 08.12.2025 regarding seniority, annual increment, ACP etc., which were extended to their counterparts but unfortunately they were denied when their claims are based on same and similar footings, which attracts the right of equity, which is the theme of Constitution and additionally such exercise of power is divorce with ratio decided by Hon'ble Apex Court in case of Ashwani Kumar & Ors. Versus The State of Bihar & Ors. reported in A.I.R. 1997 SC 1628 in Para 17 had clearly held that all persons similarly situated whether they had moved the Court or not, must be similarly treated and those who were waiting in the wings, which cannot be denied the relief, which is granted by the Court unless relief is personal to the person and similar in the provision of Clause 4C (1) of Bihar State Litigation Policy, 2011 and for other necessary relief/ reliefs on the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.”

3. Learned Counsel for the petitioners submits that their cases are squarely covered by judgment of Hon'ble Supreme Court in the case of **Balwant Singh Narwal and Ors.**



v. State of Harayana and Ors reported in (2008) 7 SCC 728 and it is the case of the petitioners that relying upon the Hon'ble Apex Court judgment, the Co-ordinate Bench has also decided several cases, one of such case interference given by the Co-ordinate bench in the case of *Santosh Kumar and Others v. The State of Bihar and Others, C.W.J.C. No. 15663 of 2021*, has been appended with writ petition as Annexure-P/4.

4. Counsel for the petitioners next submit that taking note of the aforesaid judgment passed in the case of Santosh Kumar (supra), the Deputy Director, Primary Education, Government of Bihar issued Letter No. 605 dated 06.02.2026 addressed to all District Education Officers and District Programme Officers (Establishment) within the State and asked the details of teachers for granting them the benefits but, the petitioners were denied for the same, violating the Rights of Equity.

5. On the other hand, learned counsel for the State does not dispute the factual position and submits that the issues may be directed to be adjudicated.

6. Having heard learned counsel for the parties, this Court directs this writ application to be treated as representation while adjudicating the individual case of these petitioners



whereas, all these petitioners shall file a detailed representation before the respective District Education Officer, who will be obliged to adjudicate the same within a further period of eight weeks from the date of representation in the light of the judgment rendered by the Hon'ble Apex Court and as also the judgment passed by the Co-ordinate Bench relying upon the same, which have been appended with the writ petition as Annexure-P/3 and P/4.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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