

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14392 of 2024

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Prafull @ Prafulla Chandra Prasad Son of Jagdish Bhagat, resident of Village Gandhi Nagar, Ward No.-4, Mukhya Dakghar-Khagaria, P.S.-Khagaria in the 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

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Appearance :

For the Petitioner/s : Ms. Sweta Raj, Adv.
For the Respondent/s : Mr. Government Pleader 26

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 02-02-2026 Heard the learned Advocate for the respective parties.

2. The petitioner was duly appointed as an Assistant Teacher in the pay scale of matric trained teacher in the year 1994. Subsequently, in the year 2000, the petitioner passed *Sahitya Alankar Examination* from *Hindi Vidyapeeth Deoghar*, after taking proper permission of the department. Having served for twelve years as a matric trained teacher from the date of initial appointment, the petitioner was accorded first financial progression and since then he has been drawing his salary in terms with the provisions contained in Promotion Rule, 2011.

3. It is the contention of the petitioner that despite the



fact the petitioner has passed Master of Arts (M.A.) in the year 2020 from Lalit Narayan Mithila University and entitled for promotion to the post of Head-Master as per Promotion Rule, 10; besides the entitlement to get one additional increment in the matter of fixation of pay, but till date, the same has not been done and, as such, he approached this Court by filing the present writ petition seeking 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) (iii) and (iv) of the fundamentals 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. Referring to the materials available on record, it is submitted that the issue with regard to validity of *Sahitya Alankar* degree from *Hindi Vidyapeeth Deoghar* and its equivalence with the graduation degree stood settled by the Full Bench of this Court in CWJC No. 11255 of 2016 as well as the consequential order issued by the Education Department, Government of Bihar contained in Memo No. 380 dated 17.04.2023. However, till date, the petitioner has not been extended the reliefs, as sought for in the writ petition. For redressal of the grievance, the petitioner has also approached the District Education Officer, Khagaria by filing representation bringing on record the entire facts, but till date, the same has not been considered and disposed off.

5. On the other hand, learned Advocate for the State submits that since the petitioner has already approached before the competent authority, who shall look into the matter and consider the claim of the petitioner.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that for redressal of the grievance, the petitioner has already approached the District Education Officer, Khagaria, who is competent to look into the matter, this Court deems it apt



and proper to dispose off the present writ petition with a direction to the respondent no. 4 to consider the representation of the petitioner, placed on record as Annexure-P/9 and pass appropriate order, preferably within a period of ten weeks, from the date of receipt/production of a copy of this order.

7. Accordingly, the writ petition stands disposed off.

(Harish Kumar, J)

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