IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16046 of 2026

CNR No. BRHC010966642026

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Animesh Mohan Son of Late Akhileshwar Prasad Singh, resident of Village Maghar, Post Office- Saghar Sultanpur, Police Station- Bhagwanpur Hat, District -Siwan. At present posted and working as a Graduate Trained Teacher in Govt. Upgraded Middle School Pakri, Anchal- Mashrak, District - Saran at Chapra.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-cum- the Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Programme Officer (Establishment), Saran at Chapra.
7. The Block Education Officer, Mashrak, District-Saran at Chapra.
8. The District Accounts Officer, Saran at Chapra.
9. The District Treasury Officer, Saran at Chapra.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate

For the Respondent/s : Mr. Radha Raman, GP (24)
Mr. Sapan Kumar, AC to GP-24
Mr. Ravi Kant Pandey, AC to GP-24
Mrs. Babita Kumar, AC to GP-24
Mr. Anuraj Singh, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed for the following

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reliefs :-

"I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider and shift the date of promotion of the petitioner in the scale of graduate trained pay scale from the due date of his entitlement i.e. after completion of eight years of service in matric trained pay scale and for grant of scale of Headmaster from the due date of his entitlement as per Bihar Nationalized Elementary Teacher Promotion Rule, 1993 in the light of the order passed by this Hon'ble High Court in the case of similarly situated teachers vide CWJC No. 15610 of 2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others), as the petitioner was appointed on compassionate ground and he joined as an Assistant Teacher on 20.12.1996 and has passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Bihar (now Jharkhand) in the year 1999 and as the said degree is recognized upto 2016 for all purposes as per the decision of C.W.J.C. No. 16183/2012 (Raj Ranjan and Others vs. the State of Bihar and Others), the petitioner is entitled for shifting the date of his promotion in graduate trained pay scale after completion of eight years of service in matric trained pay scale and also for grant of scale of Headmaster from the due date of his entitlement as per Bihar Elementary Teachers Promotion Rule, 1993 and in the light of Bihar State Litigation Policy, 2011 Rule 4 (C) (1).

II. For issuance of an appropriate writ in the nature of certiorari for quashing the part of memo no. 218 dated 24.02.2023 issued by the Director, Primary Education, Govt. of Bihar. Patna, by which, the decision has been taken to providethe benefit of promotion in graduate trained pay scale in compliance of the order passed by this Hon'ble High Court in CWJC No. 15610/2018 (Raghvendra Sharma and Others vs. the State of Bihar) only to such teachers, who have already been recommended

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and granted the said scale of graduate trained pay prior to 2019, as the direction is not just and proper especially when several similarly situated teachers and junior to the petitioner have been extended the benefits of graduate trained pay scale and the scale of Headmaster and since the petitioner only because he is having the qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand had earlier been deprived of their promotion and, therefore, such a direction that only those teachers, who had already been recommended and provided the promotion will be given the benefits of order passed in CWJC No. 15610/2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others) is violative of the decision of Chief Justice Chhagala of Bombay High Court in the case of All India Groundnut Syndicate Ltd. Vs. Commissioner of Income Tax, Bombay City; AIR 1954 Bom. 232 wherein, it has been held that one cannot take advantage of his own wrong in defeating the genuine claim

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner in the light of the order passed by this Hon'ble High Court in CWJC No. 15610 of 2018 (Raghvendra Sharma and Others vs. the State of Bihar and Others) and grant all monetary and consequential benefits by shifting the date of his promotion in graduate trained pay scale after completion of eight years of service in matric trained pay scale on the basis of his qualification of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand and the scale of Headmaster from the due date of his entitlement as at the relevant point of time several posts of Headmaster were vacant and as per the circulars/direction of the Education Department, if there is shortage of candidates having the qualification of post-graduation, the teachers having the qualification of graduation shall also be considered for promotion in the scale of Headmaster.

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> *IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the memo no. 592 dated 10.05.2013 issued by the Director, Primary Education, Govt. of Bihar, Patna by which, there is direction that if junior teacher has been promoted the senior teacher will also be given the same and similar benefits from the date since when the juniors have been granted the said benefits.*
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> *V. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner will be entitled in the facts and circumstances of the present case."*

3. Learned counsel for the petitioner submits that the petitioner's father was a government employee and was posted as a Headmaster, who died in harness on 15.11.1994. It is next submitted that after the death of his father, the petitioner applied for appointment on compassionate grounds and, after completion of all the formalities, was appointed as an Assistant Teacher and joined the Government Primary School Balwan Tola, Chapra Sadar, District Saran at Chapra, on 20.12.1996. It is further submitted that the petitioner applied for and was granted permission to appear in the Sahitya Alankar examination conducted by the Hindi Vidyapeeth, Deoghar, Bihar, and passed the said examination in the year 1999.

4. It is the case of the petitioner that despite the fact that the petitioner has obtained the degree of graduate trained in

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Sahitiya Alankar in the year 1999, the promotion in the graduate trained pay-scale has not been considered while the issues have already been put at rest. To buttress his submissions, he has relied upon a judgment of this Court in C.W.J.C. No.5129 of 2009, ***Sanjay Kumar v. The State of Bihar and Others*** and its analogues cases. The relevant extract is reproduced here under :-

> *"We may now proceed to consider the claim set forth in C.W.J.C. No. 16183 of 2012 that was referred to the Division Bench by a learned Single Judge as it raised the same issue and L.P.A. No. 894 of 2016. In these two matters the claim of the writ-petitioners and the appellant respectively are with regard to promotional benefits in the higher scale of pay after having served for 8 years as an Assistant Teacher. They were denied promotional pay-scale only on the ground that they did not possess the minimum eligibility qualification as prescribed and were claiming benefits on the strength of the degree of Sahityalankar from Deoghar Hindi Vidyapeeth. In view of what has been concluded by us hereinabove, the petitioner of C.W.J.C. No. 16183 of 2012 and the appellant of L.P.A. No. 894 of 2016 are both entitled to the benefits of promotion and the same cannot be denied merely on the ground that they were possessed of an equivalent degree as referred to hereinabove. It is undisputed that these two are also in possession of the degree of Sahityalankar having been obtained prior to the year 2008.*
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> *Accordingly, C.W.J.C. No. 16183 of 2012 and L.P.A. No. 894 of 2016 are allowed. The impugned judgment of the learned Single Judge dated 28.03.2016 is set aside. Since both the candidates have prayed for a mandamus, we*

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> *accordingly direct the competent authority to pass an appropriate order in the light of above within three weeks from the date of presentation of the certified copy of the order served on them with effect from the date they were entitled for such benefit together with all consequential benefits."*

5. It has next been submitted that now since the issues have already been made quietus with the appeals having been filed by the State-respondents vide L.P.A. No.1210 of 2010 and L.P.A. No.307 of 2016, questioning the correctness of the judgment of learned Co-ordinate Bench, whereby the respondents were extended the benefit of equivalent qualification, who had obtained the degree from Hindi Vidyapeeth, Deoghar, Jharkhand and since those appeals have already been dismissed, the judgment rendered by the Co-ordinate Bench in ***Sanjay Kumar (supra)*** has attained finality and therefore, the case of this petitioner is required to be considered strictly in consonance with the ratio laid down in the said case.

6. Learned counsel for the petitioner next submits that on consideration of his degree as valid, the petitioner is required to undertake the process of granting promotion in the trained pay-scale in the light of the judgment rendered by Co-ordinate Bench in the case of ***Raghvendra Sharma and Others v. The***

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State of Bihar and Others in ***C.W.J.C. No.15610 of 2018***. It is further submitted by learned counsel for the petitioner that representation in this regard, taking cue from the ratio laid down in the said judgment have already been submitted before the concerned authorities to undertake the process in similar terms, as is being undertaken in the case of similarly situated persons and at this stage, further invited the attention of the Court to the decision taken by the Director, Primary Education, Education Department, Government of Bihar, in this regard, which is contained in Memo No.218 dated 27.02.2023, and is appended as Annexure-P/11.

7. Be that as it may, since issues have already been put at rest by the Co-ordinate Bench and the said view has already been upheld by the Hon'ble Division Bench, the authorities are required to take steps for granting pay-scale of graduate trained teachers with respect to this petitioner's appointment and for that a representation shall be filed by this petitioner, which shall be considered in similar terms, as that of the persons in the case of C.W.J.C. No.15610 of 2019.

8. Considering the aforesaid, this writ petition is disposed off with a direction to the District Education Officer, Saran at Chapra (respondent No.5), to take all necessary steps

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on submission of detailed representation, which the petitioner proposes to file in continuation of the earlier representation along with the copy of the order within a period of eight weeks from the date of such submission and necessary orders strictly in consonance with law shall be passed and the benefit which accrues to the petitioner on account of such consideration, shall be also extended in favour of this petitioner within a further period of eight weeks.

(Ajit Kumar, J)

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