

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.859 of 2026

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Samiullah Ansari @ Sami Ullah Ansari Son of Late Abdul Haque Ansari,
resident of village -Rasulpur, Police Station- Pachrukhi, District - Siwan.
Retired while working as an Assistant Teacher from Govt. Middle School
Kolhuan, Anchal - Daraunda, District - Siwan.

... .. 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, Siwan.
6. The District Education Officer- cum- the Chairman of District Teachers Promotion Committee, Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The District Programme Officer (Establishment)-cum-the Member Secretary of District Teachers Promotion Committee, Siwan.
9. The Accountant General, Birchand Patel Path, Bihar, Patna.
10. The Senior Accounts Officer, office of the Accountant General, Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra
For the Respondent/s	:	Mr.Advocate General
For A.G., Bihar	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 22-01-2026 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondent-State.

2. With consent of both the parties, the present writ
application is being disposed of at this stage itself.

3. The petitioner has prayed for grant of following
relief :-

“1. (I) For issuance of an appropriate writ



in the nature of mandamus for commanding and directing the respondent authorities concerned to give the benefits of promotion to the petitioner in the scale of graduate trained pay scale (Arts) 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 has joined as an Assistant Teacher in the year 01.03.1979 through the district panel of Siwan and has passed Sahitya Alankar from Hindi Vidyapeeth Deoghar, Jharkhand in the year 1992 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) and thus the petitioner is entitled for grant of graduate trained pay scale from due date of his entitlement as several similarly situated teachers' who were also having the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar, Jharkhand, their date of promotion in graduate trained pay scale from the due date of their entitlement but the petitioner has been deprived till date, as the petitioner has been given I.Sc. trained pay scale since 1983 and in the matter of I.Sc. trained pay scale, he will be senior to matric trained teacher and his entitlement in graduate trained pay scale is prior to such teachers, who are in matric trained pay scale, as since 01.01.1986, the I.Sc. trained pay scale and matric trained pay scale has been merged in one scale i.e. matric trained pay scale by providing three additional increments as well as seniority.

(II) 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 providing the promotion in graduate trained pay scale from the due date of his entitlement



since when several similarly situated/junior to the petitioner have been provided the promotion in the graduate trained pay scale and also pay the differences of arrears of salary and also revise the pensionary benefits accordingly, as the petitioner had already retired from service in the year 2012 while discharging his duties as an Assistant Teacher from Govt. Middle School Kolhuan, Anchal - Daraunda, District -Siwan.

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the direction of the Director, Primary Education, Bihar, Patna by which, there is direction for compliance 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) for providing the benefits of graduate trained pay scale and the scale of Headmaster as per Bihar Nationalized Elementary Teachers Promotion Rule, 1993 and also for implementation of the Director's memo no. 592 dated 10.05.2013 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.

(IV) For issuance of an appropriate writ in the nature of mandamus as an alternative prayer that the District Education Officer, Siwan and the District Programme Officer (Establishment), Siwan to convene the meeting of the District Teacher Promotion Committee, Siwan and provide him the graduate trained pay scale from the due date of his entitlement i.e. after 8 years of service in matric trained pay scale or since 01.01.1986 and provide its consequential and monetary benefits as in the case of several similarly situated district i.e. in the district of East Champaran, Motihari, the similarly situated teachers, namely, Raj Ranjan and Others have already been given the scale of graduate trained pay and the scale of Headmaster along with all consequential benefits but in the case of the petitioner, they are pretending that as the petitioner



has not been promoted in graduate trained pay scale, he will not be given the benefits under 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), which is not sustainable in the eyes of law."

4. After advancing some argument, learned counsel for the petitioner submits that for the aforesaid relief claimed in the present writ application, the petitioner has already filed a representation before the District Education Officer, Siwan and the District Programme Officer (Establishment) Siwan, which is dated 11.11.2025 (Annexure-P/10) and the same continues to be pending. He accordingly prays that the petitioner would be satisfied if an appropriate direction could be issued to the District Education Officer, Siwan and the District Programme Officer (Establishment) Siwan by this Court for disposing of the pending representation of the petitioner after giving an opportunity of hearing to the petitioner within a fixed time frame.

5. To the aforesaid submissions made by learned counsel for the petitioner, learned counsel appearing on behalf of the respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application stands disposed of directing the District Education Officer,



Siwan and the District Programme Officer (Establishment) Siwan to dispose of the pending representation dated 11.11.2025 (Annexure-P/10) of the petitioner within a period of six 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, Siwan and the District Programme Officer (Establishment) Siwan should be reasoned and speaking order.

8. It is further made clear that in case the petitioner is found entitled to the relief which the petitioner has claimed through the representation then the same should be extended to the petitioner within a further period of three months from the date of final order.

9. With the aforesaid observation/direction and liberty granted, the present writ application stands disposed of.

10. All pending I.A.s, if any, is deemed to have been disposed of.

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(Alok Kumar Sinha, J)

