

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.630 of 2026

Sarswati Kumari W/o Umesh Chandra Pandit, Village / Mohalla Kumhar Toli,
Chandi, Astha Vasudeopur, P. O Basudeopur, P.S - Kotwali, District-Munger,
State-Bihar, PinCod 811202.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Dept., Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Purushottam Narayan Mishra, Adv.
For the Respondent/s : Mr. Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-01-2026 The instant writ petition has been filed for the
following relief;

*“1. That this application is being filed for
direction upon respondents of granting benefits
of 1st and 2nd ACP at appropriate time and for
grant of subsequent relief of granting all the
consequential benefits including monetary
benefit.”*

2. Learned counsel for the petitioner submits that the
petitioner was appointed as Assistant Teacher in the Bihar Sub-
ordinate Education Service in Junior grade vide Memo No. 1162



dated 09.12.1978 issued under the signature of the Director, Secondary Education, Bihar and later on, his services under the Bihar Sub-ordinate Education Service Junior Grade got merged in service grade-2 with effect from 20.07.1985 but, the petitioner's service was not merged with the said grade-2 with effect from the same date, as there was C.B.I. enquiry pending against the petitioner and as also against some other similarly situated teachers but, later on, the respondents had given the benefits from the year 1990. It is further submitted that the initiation of the CBI enquiry and the report, so submitted, has already been interfered by the Hon'ble Division Bench of this Court vide order dated 27.02.2024 passed in LPA No. 1219 of 2023 (Kamini Kumari Vs. State of Bihar & Ors.), and as such, the case of the petitioner may be considered on its own merit.

3. It is the case of the petitioner that the C.B.I. enquiry has already been concluded in his favour and all such similarly situated persons including the petitioner are said to have been exonerated but, for no obvious reason, the benefits, for which the petitioner is entitled under the progression scheme, has not been accorded from the date, when the benefit is actually applicable in the case of the petitioner. It is further submitted that though the benefits of 1st ACP has been extended but, not



from the date when it is actually applicable.

4. At this stage, learned counsel for the State submits that the petitioner may be directed to file a detailed representation, giving detailed history of her services supported with material documents for allowing the authorities to adjudicate her claim.

5. To this, learned counsel for the petitioner undertakes to file detailed representation, appending the necessary documents for ventilating the grievances within a period of four weeks from today.

6. It is expected that on filing of such representation, the respondent no.3 shall adjudicate the same within a period of eight weeks from the date of filing of such representation. While adjudicating the grievance of the petitioner, the respondent concerned shall take into consideration the fact that there is no pending enquiry against the petitioner and the Hon'ble Division Bench has already watered down such enquiry and if the petitioner's entitlement is found from the date of its applicability, all such benefits shall be extended in favour of the petitioner within the time period so allowed for adjudication and the same shall also be communicated to the petitioner through valid mode.



7. With the aforesaid observations and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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