

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21022 of 2025

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Sandeep Kumar Son of Late Suryadeo Yadav, Resident of Sandeep Sadan, Mohalla- Santnagar, East of Voda Tower, Ward No. 15/18, Police Station- Saharsa, District- Saharsa. At present posted and working as a Headmaster in Govt. Middle School Khajuri, Anchal- Simri Bakhtiyarpur, District- Saharsa.

... .. 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, Govt. of Bihar, Patna.
3. The Additional Chief Secretary -cum-the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Koshi Division, Saharsa.
6. The District Education Officer, Saharsa.
7. The District Programme Officer (Establishment), Saharsa.
8. The Block Education Officer, Simri Bakhtiyarpur, District- Saharsa.
9. The District Accounts Officer, Saharsa.
10. The District Treasury Officer, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-01-2026 Heard the parties.

2. This Court is surprised to see the order of the Director, Primary Education as contained in Memo No. 7/Mu3-3/2021-1982 Patna dated 08.11.2023 whereby the order passed by this Court in C.W.J.C. No. 7322/2017 (Abdus Samad vs. The State of Bihar and Ors.) has been treated as an exception and thus rejected the claim of other similarly situated teachers for



grant of matric trained pay scale after completion of three years of service from the date of appointment.

3. Learned Advocate for the petitioner submitted that the various similarly situated persons have approached this Court by filing different writ petitions including C.W.J.C. Nos. 16424 of 2019 and 17552 of 2019 and their cases have been disposed off in the light of the decision rendered by this Court in C.W.J.C. No. 7322 of 2017 which has been duly affirmed by the learned Division Bench of this Court in LPA No. 502 of 2021 as the State on being aggrieved by the order passed by the learned Single Judge has preferred the Letters Patent Appeal but later on withdrew the appeal. All the more the petitioners of the afore-noted writ petitions have been extended similar benefits as has been allowed to Abdus Samad, but in case of the others, they have been deprived from similar benefits, on erroneous ground.

4. Learned Advocate for the State submits that for better assistance, he needs a short adjournment, so that he may seek instruction and file a counter affidavit.

5. From the materials available on record, this Court *prima facie* is of the opinion that discrimination has been caused to the petitioner and others with those of the persons who have approached this Court earlier and they have been allowed the



relief in terms with the order passed in C.W.J.C. No. 7322 of 2017. The action of the respondent, Director, Primary Education, Bihar is manifestly arbitrary, besides in complete defiance to the Bihar State Litigation Policy as adopted by the State and its authorities.

6. This Court is thus not persuaded to the request of the learned Advocate for the State and deems it apt and proper to dispose off the writ petition with a direction to the Director, Primary Education to consider the claim of the petitioner alongwith other identically situated persons, without being prejudice by his findings recorded in Clause 12 of the impugned order, in the light of the Bihar State Litigation Policy, specially Clause 4C(1) thereof, preferably within a period of eight weeks' from the date of receipt/production of a copy of this order, keeping in mind the fact that other identically situated persons, who have also approached this Court in C.W.J.C. Nos. 16424 of 2019 and 17552 of 2019 have been extended the benefits as has been extended to Abdus Samad in C.W.J.C. No. 7322 of 2017; accordingly the present writ petition stands disposed off with the aforesaid direction.

7. Suffice it to observe that if the case of the petitioner finds identical to those of the similarly situated persons as has



been referred hereinabove, identical benefits must be accorded
to the petitioner, within the period prescribed.

(Harish Kumar, J)

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