



2025:PATHC:106100

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10565 of 2025

1. Shiv Kumar Chaudhary, Son of Late Doman Chaudhary, Resident of Village- Misrouliya, Police Station- Paras Bigha, District- Jehanabad. Address as per Aadhar Card is resident of Sanda House, New Colony, Chhotki Delha, Police Station- R.S Gaya, District- Gaya.
2. Sunil Kumar Sant, Son of Late Ram Nirikshan Singh, Resident of Village- Barahiya, Narhi, Police Station- Kurtha, District- Arwal.

... .. 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, Magadh Division, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer (Establishment), Gaya.
8. The District Accounts Officer, Gaya.
9. The District Treasury Officer, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sitaram Yadav, GP- 16
		Mr. Yatindra Narayan, AC to GP-16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-12-2025

Heard the parties.

2. The petitioners have approached this Court for the following reliefs :-

“I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to





provide the benefits in the light of letter no. 571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Govt. of Bihar; Patna, in compliance of the order passed by this Hon'ble High Court on 09.08.2019 in CWJC No. 16165 of 2019 (Kishor Kumar and Others vs. the State of Bihar and Others) as also in the light of memo no. 383 dated 03.04.2025 issued by the District Programme Officer (Establishment), Gaya in compliance of the order dated 14.11.2024 passed by this Hon'ble High Court in CWJC No. 7006/2024 (Jitendra Kumar and Others vs. the State of Bihar and Others) by which, direction has been given for providing the notional benefits of trained pay scale from the date of relieving after completion of training and monetary benefits since 01.10.2003 and since the petitioners at the relevant point of time were discharging their duties as Headmasters in the district of Gaya and after their selection/appointment have been discharging their duties as Lecturer in College of Teacher Education, Gaya and Assistant Treasury Officer, Purnia respectively are also entitled for the benefits in the light of the aforesaid orders passed by the Hon'ble High Court as while they were discharging their duties as Teachers were sent for one year in-service teachers training course for the session 2000-2001 and after completion of training, they were relieved to join their respective schools on different dates in the year 2001 and in the light of the aforesaid letters, the petitioners are entitled for grant of notional benefits from the date of relieving from teachers training, as well





as differences of arrears of salary.

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 petitioners in the light of the aforesaid letter no. 571 dated 13.06.2023 issued under the signature of the Director, Primary Education, Education Department, Govt. of Bihar, Patna as also the memo no. 383 dated 03.04.2025 issued by the District Programme Officer (Establishment), Gaya, which have been issued in compliance of the judicial orders passed by this Hon'ble High Court, and provide the notional benefits from the date of completion of training, as there is laches on the part of the respondent/State for not sending the petitioners for in-service teachers training course and taking examination belatedly in which both the petitioners have passed and since the petitioners at the relevant point of time were discharging their duties as Headmasters in the district of Gaya and after their selection / appointment have been discharging their duties as Lecturer in College of Teacher Education, Gaya and Assistant Treasury Officer, Purnia respectively are also entitled for the benefits in the light of the aforesaid orders passed by the Hon'ble High Court.

III. For issuance of an appropriate writ in the nature of mandamus as an alternative prayer of the petitioners for directing the respondent authorities concerned to dispose of the representations of the petitioners dated 07.05.2025 addressed to the District





Education Officer, Gaya and the District Programme Officer (Establishment), Gaya by reasoned and speaking order by ventilating the genuine grievance of the petitioners for providing the notional benefits from the date of relieving after successful completion of teachers training.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners will be found entitled in the facts and circumstances of the case.”

3. Mr. Mishra, learned Advocate for the petitioners advertng to the facts submitted that the issue raised before this Court has come up for consideration before a Bench of this Court in C.W.J.C. No. 16165 of 2019 and the Court having taken note of the facts that the petitioners were sent for the training in academic session in the year 2014-15 and the course was completed in May, 2017, hence, no reason was found to deny the benefit of trained pay scale to the petitioners with effect from May, 2017 when the course was completed as the petitioners of the said writ petition have completed their training but for the reason best known to the respondents the examination could not be held in time and the result was published belatedly along with the junior batch. The Court further observed that the respondents cannot take advantage of his own wrong in defeating the genuine claim. Similar matters have further come up for consideration in C.W.J.C. No. 7938 of





2020 wherein the identical relief has been accorded to the petitioners in light of the afore-noted decisions. The State being aggrieved also preferred Letters Patent Appeal L.P.A. bearing no. 456 of 2021, which also came to be dismissed vide order dated 03.04.2025. It is further submitted that in some of the matters where the claim of the identically situated persons have been rejected by the Regional Deputy Director of Education, the aggrieved persons also approached before this Court in C.W.J.C. No. 1774 of 2025 against the impugned order whereby the claim of identically situated persons were rejected, the same has also been set aside vide order dated 10.11.2025.

4. In light of the afore-noted settled legal position, the persons who have approached before this Court they have been allowed the benefit of trained scale with effect from the date of completion of their training, however discrimination has been caused, despite the Bihar litigation policy, 2011, duly formulated by the State. The petitioners have also approached before the authorities concerned by filing representations and are pending consideration but till date no positive decision have been taken, compelling the petitioners to approach this Court.

5. Learned Advocate for the State is present.

6. There is no confrontation with regard to the legal





position as stated in the writ petition. Thus, in view of the aforesaid submissions advanced by the learned Advocate for the respective parties and the materials available on record, this Court deems it fit and proper to dispose of the writ petition with a direction to the concerned District Programme Officer (Establishment), Gaya, to look into the grievance of the petitioners, as raised in their representations; the copies of which are marked as Annexure-P/7 series and dispose of the same keeping in mind the specific prescriptions provided under the Bihar State Litigation Policy, 2011, especially Clause 4(c)(i), thereof, preferably, within a period of twelve weeks from the date of receipt/production of a copy of this order.

7. Suffice it to observe that the respondent authority shall also ensure the admissible and consequential benefits as have been accorded to the other identically situated persons on being found their claim justified.

8. Accordingly, this writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2025
Transmission Date	NA

