



2026:PATHC:86539

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13747 of 2026

Sadanand Prasad Azad Son of Jagdish Mahta, Resident of Ward no -8, Siswapatti, P.S Madhepura, District- Madhepura, Bihar, at Present Headmaster, Girls Middle School, Murho, Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. Director (Primary Education), Education Department, Government of Bihar, Patna.
4. Regional Deputy Director Education, Kosi Division, Shaharsha.
5. District Education Officer, Madhepura.
6. District Program Officer (Establishment), Madhepura.
7. District Treasury Officer, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Parishmita Bora, Advocate Mr. Tarun Kumar, Advocate
For the State	:	Mr. Rajan Prakash, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 07-09-2026 Heard learned counsel for the petitioner and learned
A.C. to G.A.-2 on behalf of the State.

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

3. The present writ application has been preferred by the petitioner for a direction to the respondent authorities specifically the District Programme Officer (Establishment), Madhepura, to shift and correct the effective date of promotion of the petitioner to the post of Headmaster.





4. In light of the judgment dated 12.09.2022 passed in *C.W.J.C. No. 15610/2018 (Raghvendra Sharma and Ors. vs. The State of Bihar and Ors.)* and as per the Bihar Nationalized Elementary Teacher Promotion Rules, 1993, the respondent authorities are being directed to grant the petitioner all consequential monetary, seniority and pay fixation benefits arising out of such shifted/retrospective date of promotion.

5. It is submitted that the petitioner was appointed as an Assistant Teacher in the year 1999.

6. It is submitted that the grievances of the petitioner are covered by the judgment in *C.W.J.C. No. 15610/2018 (Raghvendra Sharma and Ors. vs. The State of Bihar and Ors.)* directing the respondents to determine the vacancies for each year up to 2011 and prepare a seniority list for each year as directed by the Full Bench.

7. It is submitted on behalf of the petitioner that the petitioner, being an initially appointed trained teacher and serving in the Graduate scale, became legally entitled to be promoted to the Headmaster Scale from the date of completion of his P.G. degree in terms of the 1993 Rules. The District Programmer Officer (Establishment), Madhepura, vide Memo No. 1391 granted promotion in the Headmaster Scale (Pay





Level-8) only prospectively with effect from 08.11.2017, leading to a loss of seniority and pay whereas the petitioner was entitled for the said promotion since the year 2015.

8. It is submitted on behalf of the petitioner that the necessary direction may be issued to the District Education Officer, Madhepura as well as the District Programme Officer (Establishment), Madhepura (Respondent Nos. 5 and 6) to consider the claim of the petitioner for which the petitioner is ready to file a representation.

9. Learned counsel for the respondent-State submits that the petitioner may be directed to file representation providing details of his service profile along with all supported materials and judgments for adjudication of his claim.

10. Considering the above, the petitioner is directed to file the representation before the District Education Officer, Madhepura and the District Programme Officer (Establishment), Madhepura (Respondent Nos. 5 and 6 respectively) with all the supported documents and the judgment relied upon by him within four weeks from today. If the representation is filed within the stipulated time, the District Education Officer, Madhepura and the District Programme Officer (Establishment), Madhepura (Respondent Nos. 5 and 6 respectively) shall





dispose of the same within a period of eight weeks from the date of receipt of this representation.

11. It is needless to emphasize that the final order which shall be passed by the District Education Officer, Madhepura and the District Programme Officer (Establishment), Madhepura (Respondent Nos. 5 and 6 respectively) should be a reasoned and speaking order. Opportunity of hearing should be given to the petitioner.

12. It is further clarified that if the District Education Officer, Madhepura and the District Programme Officer (Establishment), Madhepura (Respondent Nos. 5 and 6 respectively) comes to the conclusion that the petitioner is entitled for the relief as claimed in the representation then the same should be extended to the petitioner within four weeks from passing of the final order.

13. With the above observation/direction and liberty as granted, the present writ application stands disposed of.

(Kumar Manish, J)

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