



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19161 of 2025

Umesh Kumar Son of Shiv Shankar Prasad Thakur, Resident of Mohalla-Sundarbag, Gali number 5, Near Mai Asthan, Rambag, Post Office- HPO, Police Station- Mithanpura, District- Muzaffarpur, Bihar- 842002, at present posted and working as Headmaster, Government Middle School, Damodarpur, Block and P.S.- Kanti, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur.
7. The Block Education Officer, Kanti, Muzaffarpur.
8. The Senior Treasury Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv
For the Respondent/s : Mr.Standing Counsel (24)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 26-11-2025 Heard learned counsel for the petitioner and learned counsel for the respondent-State.

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

3. In the present writ application, the petitioner has prayed for the grant of following reliefs:

(i) For issuance of a direction to the respondent authorities in the nature of mandamus to pay 20% officiating allowance





to the petitioner since while working on the post of the Headmaster of the Government Middle School Damodarpur, he has been assigned the additional charge of Principal at Government Senior Secondary School, Damodarpur and has honestly and successfully carried out the duties and responsibilities of Principal, including all financial and educational charges, from 24th August 2020 to 21st July 2025 but the benefit of the officiating allowance has not been paid to the petitioner despite provisions in Rule 103 of the Bihar Service Code, other Service Rules, and various judicial pronouncements on the matter.

(ii) For direction to the respondent authorities in the nature of mandamus to allow the representation dated 31.05.2025 submitted by the petitioner to the respondent no. 6 District Programme Officer (Establishment) Muzaffarpur and the copy of the same was submitted to the respondent no. 5 District Education Officer, Muzaffarpur as well as the respondent no. 4 Regional Deputy Director, Tirhut Division, Muzaffarpur to make payment of the officiating allowance as per provision contained in the Bihar Service Code.

(iii) For issuance of any other relief/reliefs as your lordship may deem fit





and proper in the background of the existing facts and circumstances of the case for which petitioner is entitled.

4. After advancing some argument, learned counsel for the petitioner submits that for the reliefs claimed for in the present writ application, the petitioner has already filed a representation dated 31.05.2025 vide Annexure-P/2 before the District Programme Officer (Establishment), Muzaffarpur, which is still pending. Learned counsel for the petitioner further submits that he would be satisfied if an appropriate direction is issued by this Court to the District Programme Officer (Establishment), Muzaffarpur to dispose of the representation of the petitioner on merit after giving an opportunity of hearing to the petitioner, within a fixed time frame by passing a reasoned and speaking order.

5. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for 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 is disposed of directing the District Programme Officer (Establishment), Muzaffarpur to dispose of the representation





filed by the petitioner dated 31.05.2025 vide Annexure-P/2 on merit after giving an opportunity of hearing to the petitioner, within six months from the date of production of a copy of this order by the petitioner. Needless to emphasize that the final order which shall be passed by the District Programme Officer (Establishment), Muzaffarpur should be a reasoned and speaking order. In case, the petitioner is found entitled to the relief, the same shall be extended to the petitioner within a further period of six months from the date of passing of the final order.

7. With the aforesaid observation/direction, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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