



2025:PATHC:108604

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19688 of 2025

1. Dharmnath Prasad, Son of Late Ram Tapeswar Prasad, Resident of Village and PO- Hasua, PS- Nawtan, District- Siwan.
2. Kameshwar Tiwari, Son of Late Ram Ratan Tiwari, Resident of Ward No. 26, Panchmandira, Shanti Nagar, Town and District- Siwan.
3. Bhuwal Sharma, Son of Late Moti Sharma, R/o Vill- Gambhirpur, P.S Nawtan, District- Siwan.
4. Kalamuddin Ansari, Son of Late Jan Mohammad, Resident of Village- Kutub Chhapra PO- Bakarganj, PS- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director (Primary Education), Education Department, Govt. of Bihar, Patna.
4. The Commissioner, Saran Division, Chhapra.
5. The District Magistrate, Siwan.
6. The Regional Deputy Director of Education, Saran at Chhapra.
7. The District Education Establishment Committee, through the District Education Officer, Siwan.
8. The District Education Officer, Siwan.
9. The District Programme Officer (Establishment), Siwan.
10. The Treasury Officer, Siwan.
11. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bajarangi Lal, Adv.
For the Respondent/s	:	Mr. AC to SC-25
For the A.G., Bihar	:	Mr. Ram Kinker Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-12-2025

Heard the parties.

2. The petitioners were duly appointed on the post of
Assistant Teacher in different Government Primary/Middle Schools





sometime in the year 1976 and on being found eligible granted Matric Trained Pay Scale in the year 1977 and later on, promoted to the Matric Trained Senior Scale. Having obtained permission they also passed Sahitya Alankar Degree from Hindi Vidyapith, Deoghar, but, nonetheless, denied promotion in the Graduate Trained Scale from the due date of their entitlement. Hence, they have preferred the present writ petition. For the convenience, the relief sought for by the writ petitioners have been reproduced hereunder:-

“i. For issuance of an appropriate writ /order/direction in the nature of mandamus for commanding the respondent authorities to grant promotion to the petitioners in Graduate Trained Scale (Arts) from the due date of their entitlement in the light of Bihar Nationalized Elementary Teacher Promotion Rule, 1993 [hereinafter called as Promotion Rules, 1993] and order passed in CWJC No.15610 of 2018 (Raghvendra Sharma & others vs. the State of Bihar & others) with all consequential benefits as the petitioners have been deprived of their promotion in graduate trained scale for no justified and cogent reasons.

ii. For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of office order contained in Memo no.452 dated 24-05-2025 issued under





signature of District Programme Officer (Establishment), Siwan where under and whereby promotion in Graduate Trained (Arts) scale of elementary school teachers of Siwan district have been allowed ignoring that the petitioners are most senior teachers and names of petitioners have been deliberately left out (although name of petitioners were available in provisional gradation list) and have been deprived of their promotion on the ground that petitioners possess Graduate equivalent degree i.e. degree of Sahityalankar from Hindi Vidyapith, Deoghar in gross violation of order dated 27-01-2017 passed in LPA No.11/2014 [Dr. Amaresh Thakur versus the State of Bihar and others]] and order dated 18-07- 2019 passed in LPA No.-894 of 2016 [Ashutosh Jha versus The State of Bihar and others] as well as departmental order/letters contained in Memo no.2004 dated 18-12-23 and Memo no.696 dated 17-07-2025 respectively issued by the Director, Primary Education, Bihar, Patna and on the other hand several teachers junior to the petitioners have been given promotion in most arbitrary manner adopting pick and choose method.

iii. For a direction upon the respondents to bring on record year wise final gradation list as well as list of year wise vacancy of Siwan district wherein respondents have deliberately deleted name of the petitioners and





depriving them of their seniority and promotion on wrong pretext and further to quash the final gradation list so far it relates to petitioners with direction to include name of the petitioners and place them in the gradation list at appropriate place as per their respective seniority.

iv. And consequent upon grant of Graduate Trained (Arts) Scale to the petitioners, a direction may be given to the respondents to pay consequential monetary benefits [i.e. differential amount of salary and pension] to the petitioner's) after making revision /re-fixation of salary and pension of the petitioners in the light of order passed in the case of Raghvendra Sharma vide CWJC No. 15610/18 along with statutory & penal interest as fixed by this Hon'ble court,

v. For a direction to implement the order/letters/ instructions issued by the Director, Primary Education, Bihar, Patna contained in Memo no.2004 dated 18-12- 2023 and Memo no.696 dated 17-07-2025 wherein specific direction for compliance of the order passed in the case of Raghvendra Sharma has been given and direction has been given to grant consequential monetary benefits of graduate trained pay scale to the eligible teaches from the respective date of their entitle- ment as per Promotion Rule, 1993.

vi. Further, for issuance of any other order/orders,





direction/directions to which petitioners are entitled in the facts and circumstances of the present case.”

3. Mr. Bajrangi Lal, learned Advocate for the petitioners submitted that the issue with regard to the claim of the petitioners as raised herein, stood settled in the case of ***Raghvendra Sharma & Ors. vs. The State of Bihar & Ors. (C.W.J.C. No. No. 15610 of 2018)*** wherein the Court in its penultimate paragraph has observed as follows :-

“14. In the circumstances as above, this Court directs the respondents to conduct an exercise after preparing the seniority list as directed by the Full Bench (supra) positively within a period of six months from today. All the districts will conduct an exercise of determination of vacancies for each year up to 2011, i.e., the date when the new Rules came into force and also prepare seniority list for each year as directed by the Full Bench. Thereafter eligibility list for each year shall be prepared based on the number of persons available under the zone of consideration and the promotion shall be accordingly granted. The pay fixation would be done accordingly, this would be applicable even to those teachers who have attained superannuation as held by the Coordinate Bench in the case of Rana Shankar Prasad & Ors. Vrs. State of Bihar & Ors. (C.W.J.C. No. 22608 of 2014) decided on 13.09.2018, and





passed orders accordingly. It is made clear that the promotion so granted will result in notional benefits from an earlier year and actual benefits shall be paid after fixation from the date actual promotions have been made. In cases where the person has attained superannuation actual retiral benefits would be given along with arrears.”

4. It is also submitted that so far the issue with regard to the equivalence granted to Sahitya Alankar Degree obtained from Hindi Vidyapith, Deogarh is concerned, it has also come up for consideration before this Court in various cases and finally the same has been settled by the Full Bench of this Court in the case of ***Ramashankar Patel & Ors. vs. The State of Bihar & Ors. (C.W.J.C. No. 11255 of 2016)***. The order of the Full Bench was unsuccessfully challenged before the Apex Court. In the light of the various decisions, including the one rendered by Full Bench, the State Government in the Department of Education has also come out with various orders including the orders as contained in memo no. 2004 dated 18.12.2023, memo no. 380 dated 17.04.2023 and recently the order contained in memo no. 696 dated 17.07.2025; all these orders have been placed on record in the writ petition.

5. Adverting the aforesaid facts, learned Advocate for the petitioner thus submitted that despite the issue having been





settled by this Court and the State has come out with the afore-noted orders/notification, till date, the petitioners have not been allowed promotion in Graduate Trained Scale (Arts), from the due date of their entitlement. However, to utter dismay the persons who have been placed much below the petitioners in the seniority list, they have been allowed the benefits as has been claimed for in the present writ petition. To support the aforesaid contention, Annexure P/14 has also been placed on record.

6. Learned Advocate for the State, at the outset, submits that to respond to the averments made in the writ petition, an instruction is required from the concerned authorities.

7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the aforesaid facts and settled position, besides the claim of the petitioner is based on parity, this Court instead of keeping the matter pending, deems it proper to dispose off the same by directing the respondent no. 7 and 8 to consider the claim of the petitioners as has been raised in their representation contained in Annexure P/16 series, preferably within a period of ten weeks' from the date of receipt/production of a copy of this order and bring to its logical conclusion by keeping in mind the afore-





noted decisions of this Court as well as order/notification issued by the State Government as well as Clause 4. C (1) of the Bihar State Litigation Policy, 2011.

8. The writ petition stands disposed off.

9. Suffice it to observe that in case the claim of the petitioners find favour, necessary consequential benefits must be accorded to them, within the period afore-noted.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2025
Transmission Date	NA

