

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17774 of 2025

1. Rajeev Ranjan Son of Bijendra Kumar Singh, Resident of Mohalla-Santnagar, 88, Ward No 35/04, Gangjala, P.O. and P.S. Saharsa, District. Saharsa. At present posted and working as Headmaster in Govt. Nilkanth Balika Middle School Chainpur, Block - Kahra, Distt. - Saharsa.
2. Pranit Kumar, son of Braj Raj Singh, Resident of Ward No. 16, Prem Niwas, Gangjala, Po and Ps-Saharsa, Distt. Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Bariyahi Basti, Block-Kahra, Distt.- Saharsa.
3. Ratan Kumar Choudhary, son of Gopi Raman Choudhary, Resident of Ward No. 37. Krishna Nagar Batraha, P.S.- Saharsa, Dist.- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Bhuswardih, Block - Kahra, Saharsa.
4. Ghanshyam Choudhary, son of Dayakant Choudhary, Resident of Vill and Po- Mahishi, P.S. - Mahishi, Distt. Saharsa At present posted and working as Headmaster in Govt Middle School Bhagwatpur, Block- Mahishi, Distt. - Saharsa.
5. Sushil Kumar Karn son of Sidheshwar Lal Das, Resident of Ward No - 35/04, By Pass Road, West of Polytecnic Dhala, Po and Ps - Saharsa, Distt.- Saharsa. At present posted and working as Headmaster in Govt. Middle School Gangjala, Block- Kahra, Distt. - Saharsa.
6. Sanjai Kumar Jha, son of Jai Narayan Jha, Resident of Vill and Po- Mahishi, P.S. - Mahishi, Distt.- Saharsa. At present posted and working as Headmaster in Govt. Anusuchit Jati Middle School Mahishi, Block - Mahishi Distt. - Saharsa.
7. Kumar Abhishek, son of Ramnarayan Prasad Gupta, Resident of Vill and Po- Bariyahi Bazar, Ps- Bangaon, Distt- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Naharwar, Block- Mahishi, Distt.-Saharsa.
8. Prashant Kr. Jha, son of Sitaram Jha, Resident of Vill and Po- Bariyahi Bazar, Ps- Bangaon, Distt- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Lahtha Bathan, Block - Mahishi, Distt. Saharsa.
9. Santosh Kumar Mallick, son of Bhawanand Prasad Mallick, Resident of Vill and Po-Hatiya Gachhi, Ps and Distt.- Saharsa. At present posted and working as Headmaster in Govt. Kanya Middle School Bharauli, Block - Kahra, Distt. - Saharsa.
10. Brajendra Kumar, son of Jhingur Das, Resident of Vill- Balha, Po- Gadhiya, Ps- Bangaon, Distt-Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Basudeva, Block- Kahra, Distt.- Saharsa.
11. Dheeraj Verma, son of Pradip Narayan Prasad, Resident of Ward No. 09/13, Naya Bazar, Po and Ps Saharsa, Distt. Saharsa. At present posted and working as Headmaster in Govt. Rajendra Middle School Chitragupta Nagar Block-Kahra, Distt - Saharsa. Dist
12. Uday Kant Tanti, son Lakshmidhar Tanti, Resident of Vill - Tilathi, Po- Rajanpur, Ps-Simri Bakhtiyarpur, Distt.- Saharsa. At present posted and working as Headmaster in Urdu Kanya Middle School Panchbighi, Block-Simri Bakhtiyarpur, Distt. - Saharsa.



13. Jeevan Kumar Singh, son Bateshwar Singh, Resident of Vill-Matihani, Po-Khajuri, Ps- Simri Bakhtiyarpur, Distt. Saharsa. At present posted and working as Headmaster Upgraded Middle School Galphariya, Block -Simri Bakhtiyarpur, Distt. - Saharsa.
14. Somesh Kumar, son of Shashidhar Choudhary, Resident of Ward No. - 09/13, Naya Bazar, Po and Ps. Saharsa, Distt. Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Siradaipatti, Block Kahra, Distt. - Saharsa.
15. Suresh Pandit, son of Ramswarup Pandit, Kailashpuri, Resident of Ward No 21, Po and Ps- Saharsa, Distt-Saharsa. At present posted and working as Headmaster in Govt. Middle School Jori, Block-Nauhatta, Distt-Saharsa.
16. Parwez Alam, son of Abdul Hafiz Ansari, Resident of Ward No 41, Mustafa Nagar, Po and Ps - Saharsa, Distt. Saharsa. At present posted and working as Headmaster in Govt. Urdu Middle School Sitanabad, Block- Simri Bakhtiyarpur, Distt.- Saharsa.
17. Bishwanath Ashok, son of Kumud Jha, Resident of Mohalla - Kahra Block Road, Ward No 24/42, Po and Ps- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Jiwachhpur, Block - Sour Bazar, District Saharsa.
18. Pramod Shankar Das, son of Priyavrat Narayan Das, Resident of Vill-Hempur, Po- Dharpur, Ward No- 17, Ps- Nauhatta At present posted and working as Headmaster in Govt. Middle School Kedlipatti, Block -Nauhatta, District - Saharsa.
19. Anil Kumar Bharti, son of Jagdish Paswan, Resident of Vill- Bhagwatpur, Po and Ps- Mahishi, Block Mahishi, Distt. Saharsa. At present posted and working as Headmaster in Govt in Govt. Middle School Kothiya, Block-Mahishi, Distt.- Saharsa.
20. Nripendra Kumar Thakur, son of Lambodar Thakur, Vill- Sugma, Post-Sugma, P.S. Banma Itahri, Dist.- Saharsa. At present posted and working as Headmaster in Govt. Adarsh Middle School Taraha. Block Banma Itahri , Saharsa.
21. Chandra Shekhar Choudhary Son of Raho Choudhary, Resident of Vill and Po - Sonbarsa, Ps-Sonbarsa Raj, Distt. - Saharsa. At present posted and working as Headmaster in Govt. Middle School Kopa, Block- Sonbarsa, Distt. Saharsa.
22. Lal Bahadur, son of Madan Moha Jha, Resident of Vill and Po- Muradpur, P.S. Nauhatta, Distt -Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Pokharbhinda, Block- Mahishi, Dist Saharsa.
23. Sunil Kumar Singh, son of Tarni Prasad Singh, Resident of Vill and Po - Rakia, Via Baruari, Distt. Saharsa. At present posted and working as Headmaster in Govt. Kanya Middle School Panchgachhia, Block- Sattar Kattaiya, Distt.- Saharsa.
24. Shyam Sundar Yadav, son of Ramotar Yadav, Resident of Vill- Bareta, Po-Maina Gram, P.S Mahishi, Distt. Saharsa At present posted and working as Headmaster in Govt. in Govt. Middle School Jalai, Block - Mahishi, Distt. Saharsa.
25. Awadhesh Kumar, son of Surya Narayan Thakur, Resident of Vill and Po-



- Barahsher, Ps - Bihra, Distt.-Saharsa. At present posted and working as Headmaster in Govt A.T Middle School D.B. Colony, Block - Kahra, Distt. - Saharsa.
26. Bhagirath Bharti, son of Ghuran Mahto, Resident of Vill- Kandaha, Ps- Mahishi, Distt.- Saharsa. At present posted and working as Headmaster in Govt. Middle School Lahuar, Block- Mahishi, Distt- Saharsa.
 27. Ghanshyam Kumar, son of Jagdish Pandit, Resident of Mohalla Rani Hat, Ward No-07, Bakhtiyarpur, At , Po and Ps-Simri Bakhtiyarpur, Distt - Saharsa. At present posted and working as Headmaster in Govt. in Govt. Middle School Sugma, Block Banma Itahri, Distt. - Saharsa.
 28. Sanjay Kumar, son of Shyam Kishor Prasad, Resident of Mohalla - Near Aerodrome, Naya Bazar, Ward No-02/12 Po and Ps Saharsa, Distt Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Santhal Tola, Block Nauhatta, Distt. - Saharsa.
 29. Deo Mukund, son of Nathuni Prasad Sah, Resident of Mohalla - Sharda Nagar, Ward No 27/34 Po Ps - Saharsa, Distt. - Saharsa. At present posted and working as Headmaster in Govt. Middle School Amarpur, Block- Kahara, Distt. Saharsa.
 30. Md. Tarique Anjum, son of Abdur Rahim, Hameed Chowk, Resident of Ward No. 31, P .O. and P.S Saharsa, Distt. Saharsa. At present posted and working a Headmaster in Govt. Middle School Simri Bakhtiyarpur, Block Simri Bakhtiyarpur, Distt- Saharsa.
 31. Md. Mojahid Rabbani, son of Md Zainuddin, Resident of Ward No. 31, Saharsa Basti, P .O. and P.S Saharsa, Distt. Saharsa. At present posted and working as Headmaster in Govt. in Govt. Upgraded Middle School Urdu Rupnagara, Block- Kahra, Distt. - Saharsa.
 32. Jawahar Lal Jha, son of Indradev Jha, Resident of Mohalla - Manas Nagar, Hatiya Gachhi, Ward No.-20, P.O. and PS Saharsa, Distt-Saharsa. At present posted and working as Headmaster in Govt. Middle School Kapsiya, Block- Patarghat, Distt. - Saharsa.
 33. Naresh Kumar Verma, son of Visheshwar Lal Das, Resident of Mohalla - Kayastha Tola, Ward No 28/33, P.O. and P.S. - Saharsa, Distt. - Saharsa. At present posted and working as Headmaster in Govt. Middle School Basauna, Block -Kahra, Distt.- Saharsa.
 34. Ritesh Kumar, son of Pradip Kumar Sinha, Resident of Ward No. 38, Meer Tola, P.S. - Saharsa, Dist. Saharsa. At present posted and working as Headmaster in Govt. Middle School Bharauli, Block- Kahra, Distt.- Saharsa.
 35. Ajay Kumar Jha, son of Rajendra Jha, Resident of Mohalla - Shakuntala Nagar, Ward No 32/20, Distt. -Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Bhawanipur, Block- Sour Bazar, Distt.-Saharsa.
 36. Shailendra Kr. Mishra, son of Krishnachandra Mishra, Resident of Ward No. 30, Kayastha Tola, P.O. and P.S. Saharsa, Distt. Saharsa. At present posted and working as Headmaster in Govt. Middle School Dhamsaina, Block Sour Bazar, Distt - Saharsa.
 37. Bipin Kumar, son of Satyadeo Bhagat, Resident of Vill-Saptiyahi, Po- Nariyar, Ps and Distt-Saharsa At present posted and working as Headmaster in Govt. Kanya Upgraded Middle School Murli Basantpur, Block- Kahra,



Distt. Saharsa.

38. Nilambar Jha, son of Ganesh Narayan Jha, Vill- Dhanga, P.O. and P.S.- Nauhatta, Dist.- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Sisai, Block - Sattar Kattaiya, Saharsa.
39. Raja Kumar Poddar, Son of Tarni Prasad Poddar, Resident of Mohalla- Ward No. 39, Gandhi Path West of Surya Hospital, P.S. - Saharsa, Dist. Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Kharka Telwa, Block- Nauhatta, District -Saharsa.
40. Pankaj Kumar, son of Shreekant Khan, Resident of Vill- Parari, P.S. -Bangaon, Distt. Saharsa. At present posted and working as Headmaster in Govt. Middle School Parari, Block - Kahra, Distt. Saharsa.
41. Deo Narayan Yadav, son of Mahendra Prasad Yadav, Resident of Ward No 19, Gangjala, Po and Ps- Saharsa, Distt.- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Gamhariya, Block-Sour Bazar, Distt. - Saharsa.
42. Raman Kumar, son of Mahindra Mishra, Resident of Vill and Po- Lagma, P.S. - Sonbarsa Raj, Distt-Saharsa. At present posted and working as Headmaster in Govt. Middle School Lagma, Block - Sonbarsa, Saharsa.
43. Om Prakash Mandal, son of Nageshwar Mandal, Resident of Village and Post Office - Kachra, Block-Sour Bazar, Distt- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Dumra, Block Sonbarsa, Distt. - Saharsa.
44. Pankaj Lal Das, son of Lekh Narayan Lal Das, Resident of Mohalla - Ramesh Jha Road, Pratap Chowk, Gangjala, Ps and Po Saharsa, Dist. Saharsa. At present posted and working as Headmaster in Govt. Middle School Pastpar, Block- Patarghat, Distt.- Saharsa.
45. Roshan Kumar Jha, son of Jata Shankar Jha, Resident of Ward No-09. At and Po- Khajuraha, Ps Sonbarsha Raj, Distt Saharsa. At present posted and working as Headmaster in Govt. Middle School Khajuraha, Block- Sonbarsa Distt. - Saharsa.
46. Premjeet Singh, son of Birendra Narayan Singh, Resident of Vill and P.O. - Pararia, Ward No - 15, P.S. Sonbarasa Raj, Distt. - Saharsa. At present posted and working a Headmaster in Govt. Middle School Soha, Block - Sonbarsa, Distt. Saharsa.
47. Ghanshyam Prasad, son of Sitaram Sah, Resident of Village and Post Office- Patarghat, Police Station- Patarghat, Distt- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Haripur, Block Sonbarsa, Distt.- Saharsa.
48. Prabhakar Kumar, son of Satyanarayan Poddar, Resident of Vill- Barahkurwa, P.S. Simri Bakhtiyarpur, Distt.- Saharsa. At present posted and working as Headmaster in Govt. Upgraded Middle School Baidi, Block Simri Bakhtiyarpur, Distt. - Saharsa.
49. Raghab Kumar Singh, son of Neelmani Singh, Resident of Mohalla- Gautam Nagar, Gangjala, Ward No - 11, Po , Ps and Distt- Saharsa At present posted and working as Headmaster in Govt. Upgraded Middle School Mohanpur, Block- Simri Bakhtiyarpur, Distt. - Saharsa.
50. Sudhir Kumar Sah, son of Baso Sah, Resident of Vill and P.O.- Bengha, P.S. - Saharsa, Ward No - 10, Distt.- Saharsa. At present posted and working as



Headmaster in Govt. Middle School Bela Bagrauli, Block-Sattar Kattaiya, Saharsa.

51. Bhupendra Kumar Bhuwan, son of Ramadhin Paswan, Resident of Vill Basudeva, P.O. - Murli Basantpur, P.S. - Bangaon, Distt.- Saharsa. At present posted and working as Headmaster in Govt. Middle School Majhaul, Block Sattar Kattaiya, Distt. - Saharsa.
52. Baleshwar Sahni, son of Ramavatar Sahni, Resident of Village- Balhi, Ward no. 10, Police Station - Simri Bakhtiyarpur, District- Saharsa. At present posted and working as Headmaster in Govt. Middle School Barsam, Bloci -Simri Bakhtiyarpur, Distt- 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 District Accounts Officer, Saharsa.
9. The District Treasury Officer, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Standing Counsel 26

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL JUDGMENT**

Date : 10-11-2025

Heard learned counsels for the respective parties.

2. In the instant petition, petitioners have prayed for the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter no. 786 dated 13.09.2025 issued by the Regional Deputy Director of Education, Koshi Division, Saharsa addressed to petitioner no. 1/Rajeev Ranjan and other 52 applicants, by which, though, he has conceded that the claim



raised by the applicants pertains to the Bihar State Litigation Policy but he has denied to entertain the said claim of the petitioners on the ground that the orders, which has been relied upon by the petitioners pertains to employed teachers, without considering the facts that in compliance of the orders passed by this Hon'ble High Court in CWJC No. 16165/2019 (Kishor Kumar and Others vs. the State of Bihar and Others), in CWJC No. 7006/2024 (Jitendra Kumar and Others vs. the State of Bihar and Others) as also in the light of the order passed in CWJC No. 7938 of 2020 (Manoj Kumar and Others vs. the State of Bihar and Others) and subsequent order passed by this Hon'ble High Court in LPA No. 456/2021 (the State of Bihar and Others vs. Manoj Kumar and Others), similarly situated teachers have already been extended the benefits i.e. notional benefits of trained pay scale from the date of relieving from teachers training institution after completion of training and monetary benefits since 01.10.2003.

(ii) 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 had been 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, the date on which, they were relieved to join their respective schools after completion of training and due to not providing the notional benefit from the date of their entitlement, the petitioners are at loss of seniority etc.

(iii) 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 all the petitioners successfully passed.

(iv) 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 25.08.2025 addressed to the District Education Officer, Saharsa and the District Programme Officer (Establishment), Saharsa 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 and monetary benefits since 01.10.2003.

(v) 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. At the outset, the learned counsel for the petitioners submits that all the petitioners having requisite qualification were appointed as Assistant Teacher through Bihar Staff Selection Commission in the year 1999 and they joined in the different schools on different dates in the year 2000. Thereafter, they were sent for in-service teachers training course for the session 2000-2001 and after successful completion of teachers training, they were relieved for joining in their respective schools on different dates in the year 2001. Despite having obtained requisite training, the pay-scale as is applicable for primary trained teachers has not been allowed.

4. Counsel for the petitioners next submits that this issue has been put at rest by an order passed by Co-ordinate Bench which is appended with writ petition as Annexure-P/5, in the case of similarly situated persons *vide* order dated 09.08.2019 passed in CWJC No. 16165 of 2019 (***Kishor Kumar & Ors. Vs. State of Bihar & Ors.***).

5. It has next been submitted that after passing of the said order various writ petitions were entertained by this Hon'ble Court in CWJC No. 70006 of 2024 dated 14.11.2024, and also similar writ petitions were entertained by the Co-ordinate Bench *vide* order dated 01.02.2021 passed in CWJC No. 7938 of 2020 (***Manoj Kumar & Ors. Vs. State of Bihar & Ors.***). The extract of



the relevant observation made in Para 9 to 13 are being referred as under:-

“9. From the facts noted above, it is evident that in similar circumstance some Panchayat teachers had approached this Court with a claim that they are entitled for grade pay with effect from completion of their training and not with effect from the date of publication of result of the training, as they were not responsible for the delay in publication of result. This Court in case of Kishor Kumar and Others (supra) had directed the Director Primary Education, Government of Bihar, Patna to consider the case of the petitioner and ".....grant the benefits from the date of completion of training to the petitioners as lapses on the part of the respondents cannot be a ground to deny the benefit of trained pay scale.....". In implementation of the said order the respondents could not have deviated to deny actual benefits of grant of grade pay from the date of completion of their training, as the direction is specific in nature to the effect that lapses on the part of the respondents could not be a ground to deny the benefits of trained pay scale. Granting notional scale only with effect from the date of completion of training, in my opinion amounts to defying this Court's direction as actual payment of trained pay scale is a benefit of grant of trained pay scale, which cannot be denied in the light of this Court's order in case of Kishor Kumar and Others (supra).

10. This writ application is accordingly allowed.

11. The impugned orders dated 06.01.2020 issued by the District Programme Officer (Establishment) Bhagalpur and the order dated 22.06.2020 passed by the Director Primary Education, Government of Bihar, Patna are hereby quashed.

12. The respondents are directed to ensure that the petitioners are paid pay scale/grade pay which they are entitled to from



the date of completion of training i.e. May, 2017. The arrears of salary shall be calculated accordingly and paid to them within a period of three months from the date of receipt/production of a copy of this order.

13. The Court was contemplating imposition of cost noticing palpably arbitrary action of the State respondents which generated unnecessary litigation. Instead of imposing cost it has been considered apt to issue a note of caution for the Respondents to be fair and reasonable in future in such matters, particularly when the matters relate to implementation of Court's orders. It is, however, directed in the facts and circumstances that let the respondents ensure that their actions may not generate unnecessary further litigation and this Court's orders are uniformly applied in respect of similarly situated employees, as is expected of a model employer.”

6. It has further been submitted that the orders passed by the Writ Court in CWJC No. 7938 of 2020 dated 01.02.2021 was challenged by the State Government *vide* LPA No. 456 of 2021 dated 03.04.2025 and the Hon'ble Division Bench had dismissed the appeal of the State by making the following observation in Para 6, which is being re-produced as under:-

“6. In this backdrop, appellants cannot take decision of notional benefits when the order is very specific to the extent that necessary decision in this regard with all consequential monetary benefits must be taken by the Director. The same decision has been passed in number of cases including the present case. The appellants have taken their own time to publish the result with reference to completion of training course in the month of May, 2017. For no fault on the part of the respondents, denial of certain service and monetary benefits on behalf of the appellants



would be arbitrary, therefore, the appellants have not made out a case so as to interfere with the impugned order of the learned Single dated 01.02.2021 passed in passed in CWJC No. 7938 of 2020.

7. Accordingly, LPA No. 456 of 2021 stands dismissed. Pending I.A., if any, stands dismissed.”

7. The counsel for the petitioner by taking this Court to the judgments, rendered by the Hon’ble Co-ordinate Bench and as also the same having been affirmed by the Hon’ble Division Bench submits that the appropriate representations were filed before the Respondent Nos. 5 to 7.

8. Counsel for the petitioners next submits that Respondent No. 5 – Regional Deputy Director of Education, Koshi Division, Sharsha has passed the order which is appended as Annexure -P/12, and from perusal of the same, it appears that it is a policy decision and no such policy decision has been brought to the notice for consideration. Accordingly, the Respondent No. 5 - Regional Deputy Director of Education, Koshi Division, Sharsha has passed an order saying that no such order is required to be passed at his level.

9. Taking note of the decision already rendered on the subject in issue, the order which is passed by Respondent No. 5 - Regional Deputy Director of Education, Koshi Division, Sharsha as contained in Letter No. 786 dated 13.09.2025 cannot be allowed to sustain, and accordingly, stands set aside.



10. Since, the order has expected in terms of liberty issued by the Co-ordinate Bench which is affirmed by the Hon'ble Division Bench is required to be passed by the District Education Officer, Sharsha, the counsel for the State does not dispute legal position rather Counsel for the State submits that he would be filing counter affidavit in this case. The submission of the counsel representing the State is not acceded for the simple reason that the matter has already been adjudicated and attained finality and the authorities are required to act in terms of the directions issued by the Hon'ble Court.

11. The counsel for the petitioner points out that in similarly situated case, the authority has complied the direction and order to that effect has already been brought on record by the writ petitioners which is appended as Annexure-P/13 to the writ petition and the said order has been passed by District Education Officer, Vashali adjudicating the claim, as such, there is reason to seek counter affidavit in this case. Accordingly, this matter needs to be considered by the respondents in the light of judgment rendered by this Court which has attained finality.

12. Considering the above, this Court directs that the representations which has been filed before the District Education Officer, Sharsha, which is appended with the writ petition be considered and appropriate order be passed in terms of the



judgment rendered by this Court within a period of eight weeks from today. If the claim of the petitioners are found to be justified in law, then benefits shall also be extended in their favour within the further period of four weeks.

13. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2025
Transmission Date	NA

