IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12619 of 2026

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Arvind Kumar Sharma S/o Kamleshwari Sharma, Resident of Village - Sharma Tola Madhopur, Basdeopur, P.S -Basdeopur, District- Munger, PIN-811202.

... ... 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, Government of Bihar, Patna
3. The Regional Deputy Director of Education, Munger, at and P.O Munger.
4. The District Education Officer, Munger at and P.O. Munger.
5. The District Program Officer (Establishment), Munger at and P.O. Munger.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Kumar
For the Respondent/s : Additional Advocate General (5)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 20-08-2026 The instant writ petition has been filed for the following relief:

(i) For directing the respondent authorities concerned to take decision and grant the benefit of the trained pay scale to the petitioner from the date of completion of his training i.e. 31.05.1989.

(ii) For issuance of a writ/ direction or declaration that the petitioner is entitled for the trained pay scale from the date of completion of the training.

(iii) For issuance of a direction to the respondents' authorities to calculate and ensure payment of all the consequential monetary benefits after granting the trained pay scale to the petitioner

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since 31.05.1989 i.e. the completion of the training.

(iv) For any other order(s) for which the petitioner will be found entitled in the facts and circumstances of the case.

2. Counsel for the petitioner submits that the petitioner completed his in-service teachers' training course for the Session 1987-1989. The final examination of the said Session was conducted in the year 1991 and the result was published in the year 1992 due to laches on the part of the respondent-State authorities. It is submitted that there was no lapse on the part of the petitioner and, therefore, he is entitled to the benefit of the grade pay applicable to trained teachers from the date of completion of his in-service teachers' training course, in the light of the judgment rendered by the Co-ordinate Bench of this Court in the case of **Kishor Kumar and Others Vs. The State of Bihar & Ors. (CWJC No. 16165 of 2019)**.

3. It is next submitted that the issues have already been put at rest relying upon the judgment passed by the Co-ordinate Bench rendered in the case of Kishor Kumar (supra), a detailed order has been passed in the case of Manoj Kumar & Ors. Vs. State of Bihar & Ors. (CWJC No. 7938 of 2020), which squarely covers the case of this petitioner.

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4. It is next submitted that against the order passed by the Co-ordinate Bench, the State authorities have preferred appeal before the Hon'ble Division Bench by filing LPA No. 456 of 2021 (The State of Bihar & Ors. Vs. Manoj Kumar & Ors.) and the Hon'ble Division Bench has affirmed the order passed by the Co-ordinate Bench of this Court, which is being reproduced herein below:-

> *"-----5. It is to be noted that appellants-State have not preferred LPA in* ***Kishor Kumar and Others*** *(supra) case. On the other hand, they have not taken note of specific words in the* ***Kishor Kumar and Others*** *(supra) to the following extent:-*
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> *"The respondents have to take decision granting benefit of trained scale to the petitioners with effect from the date of completion of their training i.e., May, 2017. Necessary decision in this regard with all consequential monetary benefits must be taken by the Director, Secondary Education within a period of sixty days from date of receipt/production of a copy of this order".*
>
> ***Underline Supplied***
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> *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*

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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."

5. Lastly, it is submitted that against the order passed by the Hon'ble Division Bench in LPA No. 456 of 2021 in the case of Manoj Kumar (supra), the State authorities have moved before the Hon'ble Apex Court by filing Special Leave Petition (Civil) Diary No(s) 66035 of 2025 and the Hon'ble Apex Court has also declined to interfere with the impugned order. Accordingly, the Special Leave Petition preferred by the State got dismissed.

6. On the other hand, counsel for the State submits that since the issues have already been adjudicated and put at rest, therefore, the petitioner may be directed to file individual representation, giving his service profile with all supportive materials before the concerned District Education Officer, within a period of six weeks from today and, on filing of such representation with all supportive materials and the judgments

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referred herein above, it is expected that the concerned District Education Officer shall consider the grievances of the petitioner and on finding his claim to be justified in law and as also in consonance with the parameters fixed by the Hon'ble Courts in the judgment rendered in the case of Manoj Kumar (supra), necessary order shall be passed within a further period of eight weeks and if the petitioner is found entitled to such benefits, the same shall also be extended to him within the same period, as stated above.

7. With the aforementioned observations and directions, the writ petition stands disposed of.

(Ajit Kumar, J)

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