

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15551 of 2015

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Kameshwar Satyarthi, Son of Late Jagat Prasad Singh, Resident of village- Sandalpur, P.S. Bheldi, District Saran at Chhapra, presently working as Assistant Teacher in Government Middle School, Bansdih, Block- Amnour, District- Saran at Chhapra.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Programme Officer (Establishment), Saran at Chhapra.
5. The Block Education Officer, Block- Amnour, District- Saran at Chhapra.
6. The Collector, Saran at Chhapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Rajeev Kumar Singh, Advocate
For the State	:	Mr. Kameshwar Kuamr, G.P. 17 Mr. S. K. Ranjan, A.C. to G.P. 17

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-12-2017

Heard Mr. Rajendra Prasad Singh, learned senior
counsel along with Mr. Rajeev Kumar Singh, learned counsel for the
petitioner and learned AC to GP-17 for the State.

2. The petitioner has moved the Court for the following
relief:

*“ That this is an application for issuance of
an appropriate writ(s), order(s) or direction(s),
directing the Respondent Authorities to provide
training for the Middle School immediately and
further for a direction to the Respondent Authorities
to pay salary of trained teachers of the petitioners.
AND/OR pass such other order(s) as your Lordships
may deem fit and proper. ”*



3. The petitioner is aggrieved by the fact that though having been appointed in the year 1999, he has not been sent on training resulting in him being denied the benefit of pay scale of trained teacher.

4. Learned counsel for the petitioner submitted that at the time of appointment, it was one of the conditions that a two years training would have to be undergone by the person, but till date, the authorities have not sent him on training though persons later appointed in the year 1999 and 2000, have been sent on training by the authorities. Learned counsel submitted that there is discrimination and also arbitrariness on the part of the authorities not sending the petitioner for training which is causing pecuniary loss to the petitioner for no fault or laches on his part.

5. Learned counsel for the State submitted that after initially was appointed in the District of Muzaffarpur but subsequently, transferred to Saran on 30.07.2007. A counter affidavit has been filed on behalf of the District Programme Officer (Establishment), Saran in which it has been stated that the petitioner has not applied for such training. On a query of the Court as to where was the requirement for making application, as training was a compulsory requirement and the authorities had only to send the petitioner which he could not have refused, there is no answer.



However, learned counsel submitted that if the petitioner applies, he shall be sent on training.

6. Learned counsel for the petitioner agrees to the proposition.

7. In view thereof, the writ petition stands disposed off with a direction to the petitioner to make a formal application before the respondent no. 4, within four weeks from today giving his consent for being sent on training. Upon receipt of the same, the respondent no. 4 shall ensure that the petitioner is sent on such training in the first available batch being sent for such training. The petitioner thereafter shall be entitled to all consequential benefits.

(Ahsanuddin Amanullah, J.)

P. Kumar

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