

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3857 of 2010

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1. Laxman Das S/O Late Sarjug Das ,P.O.Ganghara,P.S.Akilpur,Distt-Patna Nasriganj,P.S.Danapur,Distt-Patna	R/O Vill Pakauliya Presently Residing At
2. Ayodhya Chaudhary S/O Bhola Haridaspur,P.O.Khagaul,P.S. Rupaspur,Distt-Patna	Choudhari R/O Vill

.... Petitioner/s

Versus

1. The State Of Bihar Through The Director ,Animal Husbandary Deptt. Govt.Of Bihar,Patna
2. The Director ,Animal Husbandary Department Govt. Of Bihar, Patna
3. The Deputy Director ,Animal Husbandary Dept. Govt.Of Bihar, Patna
4. The Assistant Director ,Animal Development Project (Regional Level) Danapur,Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MADNA PD.SINGH-2
Mr. Arun Kumar Singh

For the State : Mr. Kumar Pankaj Ac to Sc 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-02-2018

Heard learned counsel for the petitioner and learned counsel for the State.

In the present case, only limited issue has been raised by the present petitioner, in the present case, whether the date of promotion should be counted from the date for sending the training or from the actual date of joining to the promoted post.

The petitioner was appointed in the work charge establishment, was promoted as Live Stock Assistant. Question is that from which date he will be treated to have been promoted ,



for answer following facts are necessary to be looked into. The petitioner and others vide order dated 14.9.1995 (Annexure-2 of the writ petition) sent for training itself makes it very clear that during the period of training the person will continue to get the scale of IV grade even thereafter, till promotion is given in terms of rule and regulation. It makes it very clear, merely, he was sent to the training does not reflect the picture that persons sent for training would start getting the salary of Class III. But fact is otherwise reflects that he was sent for training for making him eligible for higher post but would continue to get salary of IVth grade, till promoted either during the period of training or thereafter.

The State has also brought the letter written by the Secretary, Government of Bihar to the Accountant General Bihar that IVth grade employees would be sent for training and they would not make him entitle to get higher scale of pay from the date of his training but from the date they would be promoted as per availability of the vacancy in the higher grade. The petitioners were promoted to the next grade vide letter dated 1st November, 2003 (Annexure-3) in the scale of Rs.3050 to Rs.4590 and posted at respective offices.

Learned counsel for the petitioner has placed reliance on



the judgment passed in C.W.J.C. No.5865 of 2002 (Bihar State Animal Husbandry Department Class IV Employees Association and others v. The State of Bihar and others) which is not applicable in the present case as in that case before sending the person for training he was selected and later on he was sent to training, so the Court has taken view that after promotion, promoted candidates were sent for training. But in the present case the situation is otherwise as in the present case training imparted was part of making the person eligible for promotion to the post which is apparently clear from the letter dated 14.9.1995 (Annexure-2) and letter no.1296 dated 14.2.1991 (Annexure B to the counter affidavit).

In such view of the matter, this Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.3.2018
Transmission Date	NA

