

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22303 of 2012

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Mukesh Kumar, Son of Late Shailendra Kumar Resident of Village and P.O.
Pain, P.S. And District Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Human Resources Development Department, Govt. of Bihar,
Patna
3. The District Education Officer, Sheikhpura
4. The District Programme Officer (EST)-Cum-District Programme Co-
Ordinator, Bihar Education Project Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Respondent/s : Mr. Manoj Priaydarshi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 17-09-2018

Heard learned counsel for the petitioner as well as

learned counsel for the State.

The present writ application has been filed by the

petitioner for a direction to the respondents to grant trained pay
scale to the petitioner on obtaining in-service training and
publication of result in March, 2010 and for payment of
difference of arrears of salary. Petitioner was appointed on
compassionate ground as Assistant Teacher in 2003.

The petitioner along with 273 untrained teachers were

sent for training. Petitioner completed training and thereafter
result of training was published in March, 2010 but despite
repeated representation, the case of the petitioner was not
considered by the respondents and he has been denied the



benefit of trained pay scale.

This writ application was filed on 04.12.2012 with two advance copy to the office of the Advocate General, unfortunately, no counter affidavit has been filed even after lapse of six years from the date of filing of the present writ application. Under the aforesaid circumstances, the Court is constrained to dispose of the writ application. Once the respondents have decided to send this petitioner along with other for in-service training and petitioner completed training successfully and was declared pass in training examination in March, 2010, the respondents were under the legal and moral obligation to provide the benefit of trained pay scale to the petitioner from the date he has completed the training and was declared pass in training examination.

It is reiterated here that the writ application, in relation to grant of trained pay scale and difference of arrears of salary, was filed in 2012 but even after lapse of six years, neither grievance of the petitioner was redressed nor any counter affidavit has been filed. In the peculiar facts and circumstances, the respondents are hereby directed to ensure payment of trained pay scale to the petitioner from the date of completion of training and publication of result i.e., March,



2010 and also ensure payment of difference of arrears of salary within a maximum period of four months from the date of receipt of a copy of this order. Failure on the part of the respondents in ensuring payment of difference of arrears of salary within the time frame, the respondent authorities shall have to pay interest @ 9% per annum from March, 2010, the date of actual payment. The interest of payment shall be realised from the erring officials of the Education Department. The Director, Primary Education shall fix responsibility on such erring officials for payment of interest on delayed payment.

With the aforesaid observation, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

