

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.655 of 2015

In
Civil Writ Jurisdiction Case No.10722 of 2013

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Prakash Kumar, son of Sri Arun Kumar Arun, Resident of At + P.O.-
Bangaon, P.S.-Bajpatti, District- Sitamarhi

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate, Sitamarhi, District- Sitamarhi
4. The District Education Officer, Sitamarhi, District- Sitamarhi
5. The District Programme Officer (Establishment), Sitamarhi, District- Sitamarhi
6. The Block Development Officer, Runni Saidpur, District- Sitamarhi
7. The Block Education Officer, Runni Saidpur, District- Sitamarhi
8. The Convener, National Council for Technical Education, New Delhi
9. The State Project Director, Education Project Council, Shiksha Bhawan, Rashtrabharha Parisha, Saidpur, Rajendra Nagar, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Kinkar Kumar SC27

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-02-2018

Seeking exception to an order dated 16.01.2015 passed by the Writ Court in CWJC No. 10722 of 2013, the appellant has filed this Letters Patent Appeal.

The appellant filed the writ petition claiming benefit of trained teachers scale with effect from the date he had passed the training examination which included two years teachers training



and additional 6 months of Enrichment course. The benefit has been denied to the appellant only on account of the fact that he has been granted the benefit after completing the training course. However, the fact remains that if the appellant was not sent for the training course, he could not have gone on his own for the course and as is required by the order passed by the State Government, the appellant cannot be held responsible for the delay in sending him for training.

A question, identical in nature, has been considered in **LPA No. 1699 of 2013 (Kranti Kanak & Ors. Vs. The State of Bihar & Ors.)** and after taking note of various aspects of the matter in paragraph 13 onwards a Co-ordinate Bench of this Court has interfered with identical orders passed by the learned Single Bench,

“13. In order to save injustice and protect the rights of the petitioners/appellants, we would, thus, hold that the judgment of the learned Single Judge would continue to operate. The petitioners/appellants would be entitled to Matric trained scale from the day they completed the two years module. In other words, they would be deemed to be Matric trained teachers from the time the results were declared in respect of the two years course of IGNOU subject to their clearing six months



course as later prescribed. They would not be treated as Matric trained either for the purposes of seniority or for financial benefits from the date they finally completed the six months course in the year, 2014 because all that delay was caused by the State in which petitioners/appellants have no role to play.

14. Thus, this appeal is, accordingly, allowed and the judgment of the learned Single Judge, to the extent above, is explained and modified.

15. Consequently, the decision of the State Government to postpone the grant of Matric trained scale and its benefits to a date after clearing the six months course would not apply to these petitioners/appellants accordingly.”

and it has been held that persons like the appellants would be entitled to matric trained scale from the day they completed two years module.

In view of the aforesaid, in this case also the appellant would be entitled to the trained scale from the day he completed two years module and not from the date when he completed the entire training. Accordingly, we direct that the claim of the appellant be processed and benefit granted to him with effect from the date he completed two years module and acquired six months



course without insisting upon grant of the benefit from the day he completed the entire training course.

With the aforesaid, the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
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