

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6736 of 2017

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Surya Mani Arya Son of Shri Kapildeo Prasad, Resident of Village-Prasbanna, P.O.- Roypurkoyalbigha, P.S.- Tharthari, District- Nalanda, Biharsharif, At presently working as Assistant Teacher in Upgraded Middle School, Meghi, At.+ P.O.- Meghi, P.S.- Deepnagar, Biharshariff, Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Regional Deputy Director of Education, Patna Pramandal, Patna.
6. The District Education Officer, Nalanda.
7. The District Programme Officer (Establishment), Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra- SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 02-05-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The issue with regard to treating the candidate passing compartmental examination was considered by a Co-ordinate Bench of this Court in CWJC No. 2892 of 2013. The court held out that the teacher who passed training examination in the compartmental examination are entitled to be treated as a candidate who passed in first attempt. The said decision was approved by the LPA Court.

In view of the above, the respondents are required to consider the case of the petitioner and if it is found that the



petitioner has also passed training examination in compartmental examination, he may be treated to have passed in first attempt and entitled to benefit of matric trained scale with effect from 1.10.2003.

Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioner in the light of the decision of the Co-ordinate Bench in CWJC No. 2892 of 2013 and if it is found that the petitioner has passed compartmental examination held in 2007, the petitioner should also be treated to have passed training examination in the first attempt and all the benefits available to a person on passing training examination in first attempt shall also be extended to the petitioner. The entire exercise in this regard must be completed within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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