

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6586 of 2015

-
1. Uday Prakash Mishra S/o Bachcha Prasad Mishra Resident of Village Parari, P.S. Bihta, District Patna.
 2. Jitendra Kumar Mishra @ J.K. Mishra s/o Sri Mithilesh Mishra Resident of Village Doghra, P.S. Bihta, District Patna.
 3. Sunil Kumar S/o Late Rajeshwar Singh Resident of Village Rampur Hasan Lai, P.S. Bihta, District Patna.
 4. Raj Kumar S/o Late Suresh Chandra Prasad Resident of Village Lai, P.S. Bihta, District Patna.
 5. Ashok Choudhary S/o Sri Satya Narayan Choudhary Resident of Village Itwan, P.S. Bihta, District Patna.
 6. Brahmadeo Ram S/o Late hari Ram Resident of Village Ghoratap, P.S. Bihta, District Patna.
 7. Shiv Kumar Das S/o Sri Chandradeep Das Resident of Village Pandey Chak, P.S. Bihta, District Patna.
 8. Surendra Kumar S/o Late Satyadeo Singh Resident of Village Rampur Hasan Lai, P.S. Bihta, District Patna.
 9. Sudarsan Prasad S/o Sri Mundrika Prasad Resident of Village Dhoghara Tola, P.S. Bihta, District Patna.
 10. Mukund Kumar S/o Sri Basista Narayan Singh Resident of Village Mithapur, P.S. Bihta, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Director State Education Project Bihar Siksha Bhawan Rastra Bhasha Parisad Parisar Saidpur, Rajendra Nagar, Patna.
5. District Education Officer, Patna.
6. District Programme Officer, Patna.
7. The Block Education Officer, Block Bihta, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Shruti Sinha, Advocate
		Mr. Ebrahim Kabir, Advocate
For the State	:	Mr. Sanghamitra Ghosh, AC to GP 15
For BEPC	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-11-2018

The grievance of the petitioners in the instant writ petition is denial of benefit of trained scale on the ground of lapse on the part of the respondents in not sending them for training.



Learned counsel for the petitioners submits that after the appointment, the respondents were required to send the appointed teachers for in-service training and if the respondents have adopted pick and choose method, they are not justified in denying the trained scale to the petitioners simply because the petitioners were not sent for training.

After appointment it is precisely the obligation of the respondents to send appointed teachers for in-service training and the petitioners have no role to play in the matter of getting training. If the respondents have adopted pick and choose and granted benefit of trained scale to the persons who were appointed along with the petitioners after sending them for training ignoring the case of the petitioners then the respondents are required to compensate the petitioners by providing the benefit of training as the petitioners cannot be made to suffer adverse circumstance of denial of trained scale and increment on account of failure on the part of the respondents in sending them for training.

Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to examine whether similarly circumstanced other teachers appointed along with the petitioners were sent for training earlier than the petitioners and if that is the fact, then they have to see that the benefit of trained scale is made



available to the petitioners on petitioners' passing the training examination on being sent for training to the recognized institute from the date similarly circumstanced or junior in the merit list have been granted trained scale.

In the event no similarly circumstanced teachers have been sent for training then the petitioners may not have any justified grievance and the respondents may pass reasoned and speaking order justifying different dates for sending the petitioners and others appointed teachers for training. Final decision on the claim of the petitioners for benefit of trained scale must be taken by the respondents at the earliest preferably within a maximum period of four months 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)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2018
Transmission Date	NA

