

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9707 of 2015

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1. Anita Kumari Wife of ajay Kumar Prasad R/o Village- Ishupur, P.O.- Manupur, P.S.- Dighwara, Distret- Saran
 2. Sunil Kumar Thakur Son of Shyam Bihari Thakur, R/O Village - Aami, P.O.- Aami, P.S.- Awatarnagar, District- Saran
 3. Kailash Manjhi Son of Bhrigunath Manjhi R/o Village- Ishupur, P.O.- Manupur, P.S.- Dighwara, Distret- Saran
 4. Kanchan Mala D/o Nand Kishore Singh R/o Village- Jagarnath Prasad Raiputti, P.O.- Dighwara, P.S.- Dighwara, District- Saran .
 5. Ranjana Kumari D/o Raghunandan Paswan R/o Village- Kuraiya Ghitki Bazar , P.O. - Ishmela, P.S.- Dighwara District- Saran.
 6. Ranjan Kumar Manjhi D/o Shivraj Manjhi R/o Village- Narayanpur, P.O. Rahampur, P.S.- Garkha , Distrit- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department , Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department Government of Bihar, Patna.
3. The District Magistrate, Chapra Saran
4. The Director , SCERT, Government of Bihar, Patna.
5. The District Programme Officer, Establishment, Saran
6. The Block Education Extension Officer , Dighwara Saran.
7. The Principal , DIET, Sonpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Vinay Kirti Pandey, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-12-2018

Heard the learned counsel for the parties.

This writ petition was filed on 06.07.2015 after service of two advance copies to the office of the Advocate General, but unfortunately till date no counter affidavit has been filed.

The grievance of the petitioner in the instant case is



that the respondents have adopted pick and chose in the matter of sending the petitioners in service training. Petitioners have joined on the post of Panchayat Teacher in the year 2007 and they have passed the eligibility test but they have not been sent for ODL training which is required for the purpose of grant of trained scale.

Learned counsel appearing on behalf of the petitioners submits that many persons juniors to the petitioners even appointed in the year 2012 have been sent for training ignoring the seniority of the petitioners such act of pick and chose and sending juniors to the petitioners ignoring the seniority is violative of Article 14 and 16 of the Constitution of India and the Court cannot permit the same. The equity of situation demands that the respondents should restore the benefits to these petitioners from the date juniors have been extended such benefit. In the peculiar facts and circumstances, the Court in order to do equity directs the respondents to send the petitioners for ODL training at once and on passing the training the benefit of trained scale should be extended to the petitioners from the date juniors has been sent for training and have been granted the benefit of trained scale as petitioner cannot be made to suffer for the lapse and arbitrary act of sending juniors ignoring seniors.



The corrective measures in this regard may be taken immediately after completion of ODL training by the petitioner within a maximum period of two months from the date of completion of such ODL training.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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