

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22842 of 2012

1. Brajendra Kumar Son of late Mundrika Singh Resident of Mohalla- Maurya Nagar, Kako Road Jehanabad, P.S. Jehanabad, District- Jehanabad, at Present posted and working as an Assistant teacher in Upgraded Middle School Firoj (Hindi) Anchal- Kako, District- Jehanabad.
2. Sudhir Prasad Diwakar Son of late Jagdish Prasad Resident of Village- Bhagwanpur, P.S. Hulasganj, District- Jehanabad, at Present Posted and Working as an Assistant Teacher in Govt. Middle School Murgaon, Anchal- Hulasganj, District- Jehanabad.
3. Ajay Nandan Chaudhary Son of Sri Arjun Chaudhary Resident of Village- Bakaur, P.S. Islampur, District- Nalanda, at Present Posted and Working as an Assistant Teacher in Govt. Primary School Tisour, Anchal- Hulasganj, District- Jehanabad.
4. Prabhat Kumar Sinha Son of Sri Raj Bahadur Singh Resident of Village-Sikandarpur Dhebai, P.S. Mehendiya, District Arwal, at Present Posted and Working as an Assistant Teacher in Govt. Upgraded Middle School, Parawan, Anchal-Ghosi, District- Jehanabad.
5. Jitendra Kumar Sinha Son of late Jai Ram Singh Resident of Village- Battan Bigha, P.S. Karpi, District- Arwal, at Present Posted and Working as an Assistant Teacher in Govt. Upgraded Middle School Saren, Anchal- Makhdumpur, District- Jehanabad.
6. Ashok Kumar Sharma Son of late Vidya Singh Resident of Village-Usari, P.S. Pali (Kako), District-Jehanabad, at Present Posted and Working as An Assistant Teacher in Govt. Upgraded Middle School Nagwan, Anchal- Ghosi, District- Jehanabad.
7. Raj Kumar Son of Sri Ayodhya Prasad Resident of Village/Mohalla- Habibalipur, P.S. Ghosi, District- Jehanabad, at Present Posted and Working as an Assistant Teacher in Govt. Middle School Okari, Anchal- Modanganj, District- Jehanabad.
8. Anuj Kumar Sinha Son of Ramdeo Prasad Sinha Resident of Village- Kurmi Bigha, P.S. Ghosi, District- Jehanabad, at Present Posted and Working as An Assistant Teacher in Govt. Upgraded Middle School Esebigha, Anchal- Jehanabad, District- Jehanabad.
9. Amresh Kumar Son of Shri Lakshman Sharma Resident of Village- Chawari, P.S. Paliganj, District- Patna, at Present Posted and Working as An Assistant Teacher in Upgraded Govt. Middle School Gopalpur, Anchal- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Jehanabad.



5. The Regional Deputy Director of Education, Magadh Division, Gaya, District- Gaya.
6. The District Education Officer, Jehanabad.
7. The District Programme Officer(Establishment), Jehanabad.
8. The District Treasury Officer, Jehanabad.
9. The District Accounts Officer, Jehanabad.,
10. The Block Education Officer, Jehanabad, District- Jehanabad.
11. The Block Education Officer, Kako, District- Jehanabad. null null
12. The Block Education Officer, Modanganj, District- Jehanabad.
13. The Block Education Officer, Ghosi, District- Jehanabad.
14. The Block Education Officer, Hulasganj, District- Jehanabad.
15. The Block Education Officer, Makhdumpur, District- Jehanabad.,
16. The Block Education Officer, Ratani, District- Jehanabad.
17. The Block Education Officer, Faridpur, District- Jehanabad.
18. All Headmaster-Cum-Drawing and Disbursing Officers of the petitioner's School, District- Jehanabad.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Rajiv Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 11-10-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

The issue raised in the present writ application is now no more res integra. On account of passing training in first attempt the benefit of trained scale is admissible to the teachers with effect from 1.10.2003 in terms of memo no. 790 dated 29.7.2011.

Learned counsel appearing on behalf of the petitioners submits that petitioner has passed training examination in compartmental and it has been held out by the writ court as well as division bench that the teachers who cleared compartmental



examination shall be treated to have been passed in first attempt.

In view of the decision of the writ court in C.W.J.C. No. 2892 of 2013 which was affirmed by the LPA Court in LPA No. 1870 of 2015 vide judgment dated 17.1.2018, the writ application is allowed. The respondents are directed to extend the benefit of trained scale with effect from 1.10.2003 treating the petitioner to have been passed training in first attempt.

Necessary decision with regard to grant of trained scale with effect from 1.10.2003 must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order with all consequential benefit.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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