

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20441 of 2012

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1. Amit Prasad Son Of Late Triveni Prasad Resident Of Mohalla- Congress Office Road, Post- Kishanganj Bazar, P.S.- Kishanganj, District- Kishanganj
 2. Lakshman Mukhiya Son Of Late Singheshwar Mukhiya Resident Of Mohalla- Ravi Mantri Campus, Loharpatti, Post- Kishanganj, P.S.- Kishanganj, District- Kishanganj
 3. Mahadev Prasad Sinha Son Of Arjun Lal Sinha Resident Of Village- Nikarbari, Post- Tulsiya, P.S. Dighalbank, District- Kishanganj
 4. Asit Kumar Tripathi Son Of Late Madan Mohan Tripathi Resident Of Village + Post- Bakulari, P.S.- Guthani, District- Siwan
 5. Reena Rani Paal Daughter Of Dhirendra Chandra Pal Resident Of Milan Palli, Kishanganj, Professor Colony, Post- Kishanganj, P.S.- Kishanganj, District- Kishanganj
 6. Md. Jamil Akhtar Ansari Son Of Md. Jasimmuddin Ansari Resident Of Churi Patti, Ward No. 12, Post- Kishanganj, P.S. Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development Department, Govt. Of Bihar, Patna
3. The Director, Primary Education, Human Resource Development Department, Govt. Of Bihar, Patna
4. The District Education Officer, Kishanganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey
For the Respondent/s : AC to GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 11-10-2018 Heard learned counsel for the petitioners 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 petitioners have 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 petitioners 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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