

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8948 of 2018

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Ramchandra Roy, S/o Ram Narayan Roy, R/o Village- Hundahiya Rupauli
Buzurg, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Samastipur, District- Samastipur.
5. The District Education Officer, Samastipur, District- Samastipur.
6. The District Programme Officer (Establishment) Samastipur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Mr. Madhaw Pd. Yadaw- Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 15-05-2018

Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

Learned counsel for the petitioner with reference to the judgment of the LPA Court in LPA N.- 1699 2013 dated 27.09.2016 and LPA No.- 655 of 2015 dated 26.02.2018 submits that the issue raised in the present writ application is squarely covered by the aforesaid two judgments mentioned here in above. Referring to the decision in LPA No.1699 of 2013 and LPA No. 655 of 2015 which reads as follows:

A question, identical in nature, has been considered in LPA No. 1699 of 2013 (Kranti



Kanak & Ors. Vs. The State of Bihar & Ors.)

and after taking note of various aspects of the matter in paragraph 13 onwards a Co-ordinate Bench of this Court has interfered with identical orders passed by the learned Single Bench,

“13. In order to save injustice and protect the rights of the petitioners/appellants, we would , thus, hold that the judgment of the learned Single Judge would continue to operate. The petitioners/appellants would be entitled to Matric trained scale from the day they completed the two years module. In other words, they would be deemed to be Matric trained teachers from the time the results were declared in respect of the two years course of IGNOU subject to their clearing six months course as later prescribed. They would not be treated as Matric trained either for the purposes of seniority or for financial benefits from the date they finally completed the six months course in the year, 2014 because all that delay



was caused by the State in which petitioners/appellants have no role to play.

14. Thus, this appeal is, accordingly, allowed and the judgment of the learned Single Judge, to the extent above, is explained and modified.

15. Consequently, the decision of the State Government to postpone the grant of Matric trained scale and its benefits to a date after clearing the six months course would not apply to these petitioners/appellants accordingly.”

and it has been held that persons like the appellants would be entitled to matric trained scale from the day they completed two years module.

In view of the aforesaid, in this case also the appellant would be entitled to the trained scale from the day he completed two years module and not from the date when he completed the entire training. Accordingly, we direct that the claim of the appellant be



processed and benefit granted to him with effect from the date he completed two years module and acquired six months course without insisting upon grant of the benefit from the day he completed the entire training course.”

In view of the above the writ application is disposed of with direction to the respondent to work out the entitlement of the petitioner within a maximum period of 60 days from the date of receipt/production of the copy of this order.

With the aforesaid the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.05.2018
Transmission Date	

