

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15640 of 2012**

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1. Manish Kumar S/O Late Ram Bilash Singh R/O Village-Laguma, Police Station- Singhia, District- Samastipur, At Present Assistant Teacher, Middle School, Shyampur, Bhoja, Police Station- Kanti, District- Muzaffarpur
  2. Lalit Vijay S/O Maheshwar Prasad Sharma R/O Village- Bheriahi Narain, Police Station- Kanti, Distt.- Muzaffarpur, At Present Posted As Assistant Teacher, Middle School, Basantpur Serena, Police Station-Kanti, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Department, Government Of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The District Programme Officer (establishment)-cum-the District Superintendent Of Education -cum-the District Programme Convenor, Bihar Education Project, Muzaffarpur
5. The Block Education Extension Officer, Aurai, Muzaffarpur
6. The Block Education Extension Officer, Motipur, Muzaffarpur
7. The Block Education Extension Officer, Kanti, Muzaffarpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Dr. Alok Kumar Alok, Advocate  
For the Respondent/s : Mr. Akhileshwar Singh, AC to GA-2

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 11-10-2018**

The petitioners have filed the present writ petition for a direction to the respondents to grant trained scale to them

The petitioners were initially appointed on compassionate ground. After their appointment, they were sent for training i.e. Diploma in Primary Education course from IGNOU but even after obtaining diploma they have been denied the benefit of trained scale.



Learned counsel for the petitioners submits that the petitioners have not selected the agency for training on their own, in fact, they were sent for training through IGNOU by the respondents themselves and after undergoing the course which was formulated by the IGNOU in collaboration with NCERT, denial of benefit of trained scale amounts to arbitrary action. Learned counsel submits that respondents cannot take advantage of their own wrong in sending the petitioners for undergoing DPE course through IGNOU and after undergoing DPE course, deny trained scale to the petitioners. He submits that untrained teachers have no option but to carry the direction of the authorities of the Education Department and once they have undergone the training course through the agency fixed by the respondents, they are entitled to consideration for grant of trained scale.

Considering the aforesaid, the court is of the considered view that the petitioners have no option in selection of agency for training and when they were sent for DPE course through IGNOU by the respondents themselves, the respondents cannot deny the benefit of trained scale to the petitioners.

Accordingly, the writ petition succeeds. The respondents are directed to grant the benefit of trained scale to the petitioners with effect from the date of obtaining DPE from IGNOU on being



sent by the respondents for in-service training. Necessary decision with regard to the consequential benefits 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 the aforesaid, the writ petition stands allowed and disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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