

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7322 of 2017

Abdus Samad S/o Late Md. Siddique, Resident of Village- Parsa, P.S.- Bela, Vaya- Parihar, District- Sitamarhi. At present posted as Assistant Teacher (Matric Trained), in the Government of Primary School, Parsa, Urdu, Block- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, New Secretariat, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Muzaffarpur.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The Block Education Officer, Parihar, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Respondent/s : Mr. Amit Bhushan-Gp17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is that he has been made to suffer on account of lapse of the respondents in sending for in service training belatedly.

Referring to Annexure-1 he submits that it was the obligation of the respondent authorities to send the petitioner for in service training particularly with reference to Clause-4 (Annexure-1) but the respondents have failed to send the petitioner for in service training and on account of their failure



the petitioner has been subjected to denial of pay scale of trained teacher.

He submits that there is no lapse on the part of the petitioner and on account of dilly-dally and lapse of the respondents, the petitioner was not sent for in service training earlier and as such he cannot be made to suffer on account of lapse of the respondents.

Considering the judgment of the Hon'ble Chief Justice Chagala of Bombay High Court in the case of All India Groundnut Syndicate Ltd. Vs. Commissioner of Income Tax reported in AIR 1954 Bom.232 the court is of the view that petitioner cannot be made to suffer on account of lapse of the respondents in belatedly sending the petitioner for in service training, the respondents are required to consider the case of the petitioner and it is found that the petitioner has passed the training at the first instance, the interest of the petitioner should be protected. In view of the judgment of the Bombay High Court in All India Groundnut (Supra) as well as the decision of the Apex Court on similar line reported in AIR 1989 SC 1133.

In view of the above, the writ petition is disposed of with direction to the respondents to consider the case of the petitioner for grant of matric trained scale on completion of 3



years from the date of joining of the petitioner as he cannot be faulted in the matter of non-sending the petitioner for service training. Necessary decision in this regard may be taken by the respondents within a period of sixty days and consequential benefit should be extended to the petitioner within a further period of one month from the date of such decision.

(Anil Kumar Upadhyay, J)

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