

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13162 of 2019

1. Satish Kumar Jha Son of late Chandra Kant Jha, Resident of Village and P.O. - Bhandar, P.S. Dhaka, District- East Champaran, At Present Posted and Working as an Assistant Teacher in Govt. Basic School, Madhubani Kalashala , Block- Chiraiya, District- East Champaran, Motihari.
2. Satyendra Prasad Son of late Deenanath Prasad, Resident of Village and P.O. Gangapiper, P.S. Chiraiya, District- East Champaran(Motihari), At Present Posted and Working as an Assistant Teacher in Govt. Basic School, Madhubani Kalashala, Block- Chiraiya, District- East Champaran(Motihari).
3. Pradip Kumar, Son of Jalim Paswan, Resident of Village- Chgauhatta Chhipitola, P.S. Hajipur Town, District- Vaishali, At Present Posted and Working as an Assistant Teacher in Govt. Basic School, Jagdishpur, Block- Jagdishpur, District- Vaishali.
4. Sunaina Wife of late Satyadeo Prasad Singh, Resident of Village- Pach Pakri, P.O. and P.S.- Kanti, District- Muzaffarpur, At Present Posted and Working as an Assistant Teacher in Govt. Basic School Madhopur Govind , Block - Kalyanur, District- East Champaran(Motihari).
5. Jay Shree Kumar, Son of late Kaleshwar Pandit, Resident of Village and Post Office- Kanhauli, P.S. Kanhauli, District- Sitamarhi, At Present Posted and Working as an Assistant Teacher in Govt. Basic School Rasalpur Sitamarhi, Block-Dumra, District- Sitamarhi.
6. Lalan Kumar, Son of Bhola Mandal, Resident of Village- Choraut, P.S. Pupri, District- Sitamarhi, At Present Posted and working as an Assistant Teacher in Govt. Basic School Raghapur Bakhri, Block- Dumra, District- Sitamarhi.
7. Tripurari Kumar, Son of Ram Pratap Rai, Resident of Village- Bhutaha, P.S. Pupri, District- Sitamarhi, At Present Posted and working as an Assistant Teacher in Govt. Basic School Janipur, Block Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
6. The District Education Officer, East Champaran at Motihari.
7. The District Education Officer, Vaishali.
8. The District Education Officer, Sitamarhi.
9. The District Programme Officer(Establishment), East Champaran at Motihari.
10. The District Programme Officer(Establishment), Vaishali.
11. The District Programme Officer(Establishment), Sitamarhi.



12. The District Accounts Officer, East Champaran at Motihari.
13. The District Accounts Officer, Vaishali.
14. The District Accounts Officer, Sitamarhi.
15. The District Treasury Officer, East Champaran at Motihari.
16. The District Treasury Officer, Vaishali.
17. The District Treasury Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Smt.Shilpa Singh (Ga12)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The issue raised in the present writ application is no
more res integra.

This Court has occasion to decide the similar issue in
C.W.J.C. No. 7322 of 2017 vide order dated 11.4.2018 and as
such the present writ application is disposed of in the light of
order passed in C.W.J.C. No. 7322 of 2017 dated 11.4.2018.
The relevant part of the order dated 11.4.2018 is quoted below:-

**“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 matrix 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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