

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14067 of 2019

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Laxmi Prasad Sahu, Son of Prithvi Chand Sahu, Resident of Village- Bagrali,
Barsher, Ward No. 13, Bela, P.S.-Bihra, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. Director, Primary Education, Bihar, Patna
3. Commissioner-cum-Principal Secretary, Human Resources, Bihar, Patna
4. Principal Secretary, Finance, Bihar, Patna
5. Regional Deputy Director of Education, Kosi Division, Saharsa
6. Accountant General, Bihar, Patna
7. District Programme Officer (Establishment), Saharsa
8. Treasury Officer, Saharsa
9. Block Education Officer, Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mallika Mazumdar, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Sinha (Aag15)
		Mr. Prabhat Ranjan Singh, AC to AAG-15
For the Accountant Gene:		Mr. Shiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner retired on attaining the age of superannuation on 31.01.2009 in the pay scale of untrained teacher.

The petitioner was appointed as untrained teacher on 24.12.1989.

The petitioner appeared in the Primary Teacher Training Examination held in 2004 and failed in two subjects. In



the next examination i.e. 2007, the petitioner appeared in compartmental examination.

This Court has occasion to decide the issue of entitlement of trained scale to a candidate, who failed in 2004 examination and cleared the compartmental examination conducted in 2007. It has been held out that the compartmental examination shall relate back to original examination i.e. 2004, in view of the decision of this Court, which was affirmed up to the Apex Court, the petitioner is entitled to benefit of trained scale, as the petitioner is deemed to have passed the examination in first attempt. Unfortunately, the petitioner was not granted the benefit of trained scale on passing training examination in 2007 compartmental examination treating the petitioner to have passed the training examination in first attempt.

The petitioner without getting the revised pay scale retired on 31.01.2009.

Considering the peculiar facts of the case, the writ application is disposed of with a direction to the respondents to treat the case of the petitioner to have passed the training examination in first attempt and grant the benefit of trained scale in the light of their own decision for grant of trained scale



like other candidates/teachers, who have been granted the benefit of trained scale on passing examination in first attempt (including those who passed in the compartmental examination).

Necessary decision for grant of trained scale treating the petitioner to have passed the training examination in first attempt must be taken by the respondents preferably within a maximum period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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