

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15210 of 2019

-
1. Rajneesh Kumar S/o- Satya Narayan Singh Resident of Village- Kolhua Chowk, Mithan Saray Road, Kolhua Paigambarpur, P.S.- Ahiyapur, P.O.- Kolhua Paigambarpur, District- Muzaffarpur at present posted as Assistant Teacher, Government Basic School Rupauli, District- Muzaffarpur.
 2. Rajesh Ram S/o- Late Jaygovind Ram Resident of Mohalla- Ambedkar Colony, Ward No. 31, Baswariya, Betiah, P.S.- Betiah, P.O.- Betiah, District West Champaran at present posted as Assistant Teacher, Government Basic School Shrinagar, District- West Champaran, Betiah.
 3. Subhas Kumar S/o- Late Dhurub Kishore Thakur Resident of Village- Kuwahi, P.S.- Baruraj, P.O.- Chaurghatta via Motipur, District- Muzaffarpur, at present posted as Assistant Teacher, Government Basic School Bakhara Ratanpura, District- Muzaffarpur.
 4. Nitesh Kumar Ranjan S/o- Ganesh Kumar Thakur Resident of Village- Kachaharipur, Ward No.- 14, P.S.- Sonbarsa, P.O.- Kachaharipur, District- Sitamadhi at present posted as Assistant Teacher, Government Basic School Bhataulia Patahi, District- Sitamadhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, District- Muzaffarpur.
6. The District Programme Officer, Establishment, District- Muzaffarpur.
7. The District Education Officer, District- West Champaran, Betiah.
8. The District Programme Officer, Establishment, District- West Champaran, Betiah.
9. The District Education Officer, District- Sitamadhi, Sitamadhi.
10. The District Programme Officer, Establishment, District- Sitamadhi, Sitamadhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 29-07-2019

Heard learned counsel for the petitioners and the



State.

The grievance raised by the petitioners 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 11.04.2018. The relevant part of the order dated 11.04.2018 is quoted herein 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 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.”

Considering the aforesaid, the writ application is disposed of with similar terms.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

