

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16080 of 2019

1. Bablu Kumar Son of Late Baliram Mishra Resident of Village-Jagatpur Tiwari Tola, P.S.-Basantpur, District-Siwan, presently posted as Assistant Teacher, Government Upgraded Middle School, Chaughathiya Block-Bhagwanpur Hat, P.S.-Bhagwanpur Hat, Siwan
2. Pramod Kumar Singh Son of Late Lalan Singh Resident of Village-Nikhti Kalar, Ward No. 7, P.S.-Raghunathpur, District-Siwan. presently posted as Assistant Teacher, Government Upgraded Middle School, Murarpatti, Block-Raghunathpur, P.S.-Raghunathpur, Siwan
3. Rajnarayan Singh Son of Late Rajendra Prasad Singh Resident of Village-Bhikhpur, Bhagwanpur, P.S.-Raghunathpur, District-Siwan. presently posted as Assistant Teacher, Middle School, Sugar Mill, Siwan, Block-Siwan Sadar, P.S.-Siwan, Siwan
4. Baijnath Singh Son of Late Gautam Singh Resident of Village-Nikhti Kalan, Ward No. 7, P.S.-Raghunathpur, District-Siwan. presently posted as Assistant Teacher, Primary School, Tari, Block-Raghunathpur, P.S.-Raghunathpur, Siwan
5. Shiwa Nand Son of Late Param Hans Pandey Resident of Village-Panchmandira, Anand Nagar, P.S.-Siwan, District-Siwan. presently posted as Assistant Teacher, Government D.A.V. Middle School, Siwan, P.S.-Siwan, Siwan
6. Kumari Munni Wife of Rajesh Kumar Singh Resident of Village-Tarwara, P.S.-Gautambudh Nagar, District-Siwan. presently posted as Assistant Teacher, Government Middle School, Block-Panchrukhi, P.S.-Gautambudh Nagar, Siwan
7. Ravishankar Himahshu @ Ravi Shankar Himansu Son of Late Jagdish Singh Resident of Village-Dharmraj, P.O.-Sudhri, P.S.-Bhagwanpur Hat, District-Siwan. presently posted as Assistant Teacher, Government Primary School, Bhishampur Chaurashi, Block-Bhagwanpur Hat, P.S. Bhagwanpur Hat, Siwan
8. Suresh Kumar Gupta Son of Late Madeshwar Prasad R/o Village-Maghar, P.O.-Saghar Sultanpur, P.S. Bhagwanpur Hat, District-Siwan. presently posted as Assistant Teacher, Government Primary School, Nagwa, Block-Bhagwanpur Hat, P.S. Bhagwanpur Hat, Siwan
9. Md. Tausif Anwar Son of Late Md. Taufique Resident of Village-Islamia Nagar, Laxmipur, P.O. and P.S.-Siwan, District-Siwan, presently posted as Assistant Teacher, Upgraded Middle School, Qutubchapra Urdu, Block-Hussainganj, P.S.-Hussainganj, Siwan
10. Avinash Pandey Son of Late Prabhaker Pandey Resident of Village-Khampar, Block-Bhatparrani, P.S.-Deoria, District-Deoria, Uttar Pradesh. presently posted as Assistant Teacher, Government Upgraded Middle School, Sahpur, Nauthan, District-Siwan
11. Santosh Sinha Son of Late Rabindra Kumar Sinha Resident of Village-Pachlakhi, P.O.-Pachlakhi, P.S.-Siwan, District-Siwan. presently posted as Assistant Teacher, Government Middle School, Panchrukhi, Block-



Panchrukhi, Siwan

12. Shashi Shekhar Son of Late Ramjee Rai R/o Village-Sondhani, P.O.-Sondhani, P.S.-Bhagwanpur Hat, District-Siwan. presently posted as Assistant Teacher, Government Upgraded Middle School, Mathiya, Block-Basantpur, P.S.-Basantpur, Siwan
13. Praduman Kumar Son of Late Krishn Deo Singh Resident of Village-Bishunpur Chak Pahar, P.O.-Madhopur Hazari, P.S.-Sahebganj, District-Muzaffarpur, presently posted as Assistant Teacher, Government Middle School, Baidhnathpur, Block-Sahebganj, P.S.-Sahebganj, Muzaffarpur
14. Vinay Kumar Pathak Son of Late Bishwanath Pathak R/o Village-Barawan, P.O.-Asaon, P.S.-Aandar, District-Siwan, presently posted as Assistant Teacher, Government Middle School, Hussainganj (Boys), Block-Hussainganj, P.S.-Hussainganj, Siwan
15. Chandrashekhar Kumar Ram Son of Late Shri Nath Ram Resident of Village-Kandhauli, P.S.-Majrulhaque Nagar, District-Siwan, presently posted as Assistant Teacher, Government Upgraded Middle School, Basantnagar, P.S. -Hasanpur, District-Siwan
16. Jitendra Kumar Pandey Son of Late Chandrashekhar Pandey Resident of Village-Makhnupur, P.O.-Panchrukhi, P.S.-Panchrukhi, District-Siwan. presently posted as Assistant Teacher, Middle School, Ghanauti, Block-Daraunda, P.S.-Daraunda, Siwan
17. Bijyendra Kumar Sharma Son of Late Lal Bahadur Sharma R/o Village-Sarangpur, P.S.-Gautam Budh Nagar (Tarvara), District-Siwan. presently posted as Assistant Teacher, Upgraded Middle School, Sarangpur, P.S.-Maharajganj, District-Siwan
18. Sandeep Kumar Pathak Son of Late Surya Deo Pathak Resident of Village-Salahpur, P.S.-Gautam Budh Nagar (Tarvara), District-Siwan. presently posted as Assistant Teacher, Upgraded Middle School, Bharatpur, Block-Panchrukhi, P.S.-Gautam Budh Nagar (Tarvara), District-Siwan
19. Shashi Bhushan Singh Son of Late Bipin Bihari Singh R/o Village-Nawatola Near School, Bilaspur, P.S.-Bhagwanpur Hat, District-Siwan, presently posted as Assistant Teacher, Government Upgraded Middle School, Nawatola, Block-Bhagwanpur Hat, P.S.-Bhagwanpur Hat, Siwan
20. Suresh Kumar Sharma Son of Late Ram Balak Sharma R/o Village-Kishunpur Lauwar, P.O.-Panditpur, P.S.-Janta Bazar, District-Saran, presently posted as Assistant Teacher, Upgraded Middle School, Badar Jamin, Block-Bhagwanpur Hat, P.S.-Bhagwanpur Hat, Siwan
21. Arman Ahamad Son of Late Shah Mohammad R/o Village-Bhopatpur, P.O.-Jogapur Kothi, P.S.-Jamobazar, District-Siwan, presently posted as Assistant Teacher, Upgraded Middle School, Mahuari, Panchrukhi, P.S.-Siwan Muffasil, District-Siwan
22. Subhashchandra Upadhyay Son of Late Umaraw Upadhyay R/o Village-Jajauli, P.O.-Bansohi, P.S.-Masharakh, District-Saran, presently posted as Assistant Teacher, Government Upgraded Middle School, Marachi, Block-Bhagwanpur Hat, P.S.-Bhagwanpur Hat, Siwan

... .. Petitioner/s



Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary Government of Bihar, Patna
3. The Principal Secretary Department of Education, Government of Bihar, Patna
4. The Principal Secretary Department of Finance, Government of Bihar, Patna
5. The Director Primary Education, Government of Bihar, Patna
6. The District Magistrate Siwan
7. The District Magistrate Muzaffarpur
8. The Regional Deputy Director of Education Saran
9. The Regional Deputy Director of Education Muzaffarpur
10. The District Education Officer Siwan
11. The District Programme Officer (Establishment) Siwan
12. The District Education Officer Muzaffarpur
13. The District Programme Officer (Establishment) Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The issue raised in the present writ petition is no more res integra. Similar issue was decided in CWJC No. 7322 of 2017 vide order dated 11.4.2018. Following the aforesaid order other cases were also disposed of by this Court.

Considering the aforesaid the instant writ petition is disposed of with the similar terms. 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 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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