

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16023 of 2019

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1. Pramod Kumar Singh Son of late Dharmdev Singh, Resident of Village-Ratan Parauli, Police Station- Bhagwanpur Hat, District- Siwan, At Present Posted and Working as an Assistant Teacher in Umashankar Govt. Primary School Maharajganj, Anchal Maharajganj, District- Siwan.
 2. Prashant Kumar, Son of Shri Chandeshwar Singh, Resident of C/o - Bharati Bhawan, Thana Road, Police Station- Maharajganj, District- Siwan, At Present Posted and Working as an Assistant Teacher in Govt. Middle School Maharajganj, Anchal- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Additional Chief Secretary-Cum-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 District Education Officer, Siwan.
6. The District Programme Officer, (Establishment), Siwan.
7. The District Accounts Officer, Siwan.
8. The District Treasury Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Jitendra Kumar Royl (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-08-2019 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.

Similar issue was considered by this case in C.W.J.C.
No.7322 of 2017 vide order dated 11.04.2018, the writ petition
was disposed of with the following direction :



“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.”

In view of the decision dated 11.04.2018 in C.W.J.C. No. 7322 of 2017, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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