

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16424 of 2019

1. Rajesh Kumar, Son of Late Fate Bahadur Singh, Resident of Mohalla-Nagwa, Police Station-Lanka, District-Varanasi (Uttar Pradesh), at present posted and working as an Assistant Teacher in Govt. Basic School Udairampur, Anchal-Chainpur, District-Kaimur
2. Manoj Kumar, Son of Late Chandrakesh Kumar, Resident of Village and Post Office- Dumari, P.S.-Simari, District- Buxar. At present posted and working as an Assistant Teacher in Govt. Basic School Buxar, Anchal-Buxar, District- Buxar

... .. Petitioner/s

Versus

1. The State of 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 Regional Deputy Director of Education, Patna Division, Patna
6. The District Education Officer, Kaimur
7. The District Education Officer, Buxar
8. The District Programme Officer, (Establishment), Kaimur
9. The District Programme Officer, (Establishment) Buxar
10. The District Accounts Officer, Kaimur
11. The District Accounts Officer, Buxar
12. The District Treasury Officer, Kaimur
13. The District Treasury Officer, Buxar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioners and the respondents.

The present writ application has been filed by the petitioners raising the grievance of discrimination in the matter



of sending the petitioners for in service training.

Learned counsel for the petitioners submits that due to the lapse of the respondents these petitioners were sent for training belatedly and as such the petitioners cannot be made to suffer.

Similar issue was decided by this Court on 11.04.2018 in C.W.J.C. No. 7322 of 2017. The relevant part of the order is quoted herein below:

“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.”

Accordingly, the writ application is disposed of in the similar terms.

(Anil Kumar Upadhyay, J)

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