

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17307 of 2019

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Anjali Sinha W/o Anjani Kumar Sinha R/o Shastri Nagar Road No. 4 Near Police Line, P.S. Kotwali, District- Munger, at Present Posted as Assistant Teacher (Matric Trained) in the Middle School, Safiabad Jamalpur, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. That Director Primary Education, New Secretariat, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Munger.
4. The District Education Officer, Munger.
5. The District Programme Officer(Establishment), Munger.
6. The Block Education Officer, Jamalpur, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Sevak Choudhary, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, G.P. 17
		Mr. S. K. Ranjan, A.C. to G.P. 17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioner and learned counsel for the respondent State.

The issue raised in the present application is discrimination and lapse on the part of the respondent-petitioner in the matter of grant of higher scale of pay.

Similar issue was considered by this Court in C.W.J.C. No. 7322 of 2017 vide order dated 11.04.2018 was disposed of with the following terms:

“Considering the judgement 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 judgement 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 above, the present writ application also stands disposed of.

(Anil Kumar Upadhyay, J)

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