

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17696 of 2019

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Shardendu Jha S/o Late Shivkant Jha Resident of Village- Kachor, P.O.-
Phulkaha, P.s.- Kanhauli, District- Sitamarhi, At present posted at Middle
School Fatahpur Block Dumra, P.s. Dumra District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources
Development Department, Govt. of Bihar, New Secretariat, Patna
2. The Director Primary Education, Govt. of Bihar, Patna
3. The Regional Deputy Director of Education Muzaffarpur
4. The District Education Officer Sitamarhi, District- Sitamarhi
5. The District Programme Officer (Establishment) Sitamarhi, District-
Sitamarhi
6. The Block Education Officer Dumra, District- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ratneshwar Prasad, Advocate Mr. Yogendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Ranjan Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-08-2019 The issue raised in the present writ petition is no

more res integra. This Court has occasion to decide the similar

issue by order dated 11.4.2018 passed in CWJC No. 7322 of

2017. The relevant part of the order reads as under:-

“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 if 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 maximum 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 petition is disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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