

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17552 of 2019

1. Vivekanand Kumar Son of Late Bijay Kumar Singh Resident of Village- Diwanganj, P.S.- Raghobpur, District- Supaul.
2. Braj Kishore Kumar Son of Late Manu Lal Yadav Resident of Village- Imam Patti, P.S.- Pratapganj, District- Supaul.
3. Pawan Kumar Das Son of Late Visheshwar Lal Das Resident of Village- Tin Toli, Tedha Mor, P.S.- Pratapganj, District- Supaul.
4. Satish Kumar Jha Son of Late Kedar Nath Jha Resident of Gajna Chowk, Ward No.2, P.S.- Supaul, District- Supaul.
5. Rani Kumari Wife of Late Manoj Jha Resident of Vidyapuri Ward No.2, P.S.- Supaul, District- Supaul.
6. Pramod Kumar Singh Son of Late Tarni Prasad Singh Resident of Vidyapuri Ward No.2, P.S.- Supaul, District- Supaul.
7. Pawan Kumar Son of Late Ashok Kumar Yadav Resident of Village- Kusha, P.S.- Kishanpur, District- Supaul.
8. Sanjeev Kumar Jha Son of Late Bhal Chandra Jha Resident of Refujee Colony, Ward No.6, District- Saharsa.
9. Ramesh Kumar Son of Late Mukund Rishidev Resident of Village- Chand Pipar, Ward No.11, P.S.- Kishanpur, District- Supaul.
10. Pramod Kumar Son of Late Shailendra Kumar Yadav Resident of Village- Kusha, Ward No.5, P.S.- Kishanpur, District- Supaul.
11. Sanjay Kumar Singh Son of Late Sadanand Singh Resident of Village- Raibhir, P.S.- Shankarpur, District- Madhepura.
12. Kumar Nilotpal Son of Late Kamleshwari Prasad Resident of Madhura South, Ward No.3, P.S.- Narpatganj, District- Araria.
13. Abdul Baqui Son of Late Abdul Bari Resident of Madhura, Ward No.4, P.S.- Kishanpur, District- Supaul.
14. Ram Nath Prasad Son of Late Shree Lal Mandal Resident of Village- Tula Patti, Ward No.1, Pipra, P.S.- Kishanpur, District- Supaul.
15. Abdul Qaiyum Son of Late Pir Mohammad Resident of Village- Thadhi Dhata, Ward No.2, P.S.- Kishanpur, District- Supaul.
16. Raj Kishore Prasad Son of Late Sureshwar Prasad Yadav Resident of Village- Khakhai Punarvas, Ward No.1, P.S.- Kishanpur, District- Supaul.
17. Chandra Mauleshwar Jha Son of Shobha Kant Jha Resident of Village- Sarahi, Ward No.5, P.S. and District- Saharsa.
18. Sanjay Kumar Son of Late Upendra Ram Resident of Village- Jorgama, P.S.- Murliganj, District- Supaul.
19. Kundan Kumar Kesari Son of Late Krityanand Thakur Resident of Village- Dandari, P.S.- Singheshwar, District- Madhepura.
20. Sushil Kumar 'Suman' Son of Late Satya Narayan Yadav Resident of Village Chatgawan, P.S. Triveniganj, District- Supaul.



21. Pravin Kumar Son of Late Satyanarayan Prasad Yadav Resident of Village-
Machaha, P.S.- Triveniganj, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources and Development Department,
Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Supaul.
5. The District Programme Officer (Establishment) Supaul.
6. The District Treasury Officer, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-08-2019 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 decided by this Court in
C.W.J.C. No. 7322 of 2017 vide order 11.4.2018. Following the
decision in C.W.J.C. No. 7322 of 2017, the other writ petitions
have been allowed by this Court.

The relevant part of the order in C.W.J.C. No. 7322 of
2017 is quoted below:-

**“Grievance of the petitioner in the
present writ application is pick and choose
adopted by the respondents in sending the
teachers for in service teacher training and
denial of trained scale.**



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 above, the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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