

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19041 of 2019**

1. Binod Kumar Singh Son of Late Shankar Singh, Resident of Village-Keshopur Babhangama, P.S. Paroo, District-Muzaffarpur.
2. Krishna Kumar Thakur Son of Late Ram Surat Thakur, Resident of Village-Jasoda Math @ Rampur Harihar, P.S. Kanti, District-Muzaffarpur.
3. Vinod KUMar Chaudhary Son of Late Chaturbhuj Chaudhary, Resident of Village-Dhevahan, P.S. Kanti, District-Muzaffarpur.
4. Adhik Lal Mandal Son of Surya Naryan Mandal, Resident of Ward No.11, Village-Gyanwati Tapua, Via-Mathurapur, P.S. Pirpanti, District-Bhagalpur.
5. Chandra Bhushan Mishra Son of Haribansh Mishra, Resident of Village-Fulkahan Mani, P.S. Kanti, District-Muzaffarpur.
6. Rajiv Nayan Rahul Son of Ramchandra Prasad Sinha, Resident of Baiiya Field Road, Near Radha Krishna Mandir, Bairiya, P.S. Ahiyapur, District-Muzaffarpur.
7. Manoj Kumar Chaudhary Son of Ratneshwar Chaudahry, Resident of Village-Shahwajpur, P.O. Bhikhanpur, P.S. Mushahari, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Chapra.
5. The District Education Officer, Muzaffarpur, District-Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur District-Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate  
For the Respondent/s : Mr.Prabhat Ranjan Singh, AC to (AAG-15)

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      17-09-2019

Heard learned counsel for the petitioners and the  
State.

The issue raised in the present writ petition is no



more res integra. This court has occasion to decide similar issue in CWJC No. 7322 of 2017 vide order dated 11.4.2018. The relevant part of the order is quoted below.

“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 must be taken by the respondents within a maximum period of 60 days and consequential benefits should be extended to the petitioner within a further period of one month from the date of such decision.”

In view of the order dated 11.4.2018 as quoted above, the present writ petition is disposed of with a direction to the respondents to extend similar treatment to these petitioners within a period of sixty days from the date of receipt/production of a copy of this order.

**(Anil Kumar Upadhyay, J)**

spandey/-

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