

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19189 of 2019

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1. Md. Zahid Hussain, Son of Late Ashfaque Ahmad, Resident of Village - Unsar, P.O. - Unsar, P.S. - Bochahan, District- Muzaffarpur, Presently posted as Assistant Teacher, Government Middle School, Garbara, Block- Bochahan, P.S.- Bochahan, Muzaffarpur.
 2. Rajesh Kumar, Son of Late Rambriksh Rai Yadav, Resident of Village - Mahuli, Ward No. -5, P.O. - Chaumukh, P.S.- Hathauri, District- Muzaffarpur. Presently posted as Assistant Teacher, Government Middle School, Garbara, Block - Bochahan, P.S. - Bochahan, Muzaffarpur.
 3. Shamim Ahmad, Son of Late Md. Mohiuddin, Resident of Village - Majhauria, P.S.- Sakra, District- Muzaffarpur. Presently posted as Assistant Teacher, Government Primary School, Majhauria, Block- Sakra, P.S.- Sakra, Muzaffarpur.
 4. Md. Irshad Alam, Son of Late Md. Manzar Alam, Resident of Mohalla- Near D.A.V. Public School, Malighat, Sir Syed Colony, Sadullahpur, P.S.- Ahiyapur, District- Muzaffarpur, Presently posted as Assistant Teacher, Government Primary School, Madhopur Susta Urdu, Kudhni, Block - Kudhni, P.S.- Kudhni, Muzaffarpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadav (GP-23)
		Mr. Arvind Kumar, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-09-2019

The issue raised in the present writ application is no



more res integra. As similar issue was decided by this Court vide order dated 11.04.2018 in C.W.J.C. No. 7322 of 2017. The relevant part of the order dated 11.04.2018 is quoted herein 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 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 discussions made in C.W.J.C. No. 7322 of 2017, the present writ application is allowed in similar terms and conditions.

(Anil Kumar Upadhyay, J)

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