

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19191 of 2019

=====

Vikram Kumar, S/o Late Nageshwar Ray, Resident of Village- Ramkaran Pakri, P.S. Chakiya, District East Champaran. At present posted at Middle School Harnarayan, Block Chakiya, P.S. Chakiya, District- East Champaran.

... .. 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 Motihari, District East Champaran.
5. The District Programme Officer (Establishment) Motihari, District East Champaran.
6. The Block Education Officer, Chakiya, District East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate
For the Respondent/s : Smt. Shilpa Singh (GA-12)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-09-2019 Heard learned counsel for the petitioner 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 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)

uday/-

U			
---	--	--	--

