

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19014 of 2019

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Manish Kumar S/o Late Srinarayan Tiwari, Resident of Village Phulwaria (near Railway Crossing), P.S. Chakiya District East Champaran (Motihari). At Present posted at Utkramit Middle School Mathgarib 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

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

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 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



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 benefits should be extended to the petitioner within a further period of one month from the date of such decision.

(Anil Kumar Upadhyay, J)

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