

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19741 of 2019

1. Pankaj Kumar S/o Late Jyotish Prasad Sah, Resident of -Danra, P.O.-Danra, P.S.-Banka, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Kateli, P.S.-Banka, District-Banka.
2. Niranjana Kumar Ranjan, S/o Late Arjun Paswan, Resident of -Kathoun, P.O.-Kathoun, P.S.-Rajoun, Town and District-Banka, presently posted as Assistant Teacher, Primary School, Marni, P.S.-Rajoun, District-Banka.
3. Rajiv Ranjan, S/o Late Ram Bihari Prasad Singh, Resident of -Rajoun, P.O.-Rajoun, P.S.-Rajoun, Town and District-Banka, presently posted as Assistant Teacher, Middle School, Uprama, P.S.-Rajoun, District-Banka.
4. Birendra Kumar Singh, S/o Late Ranjeet Prasad Singh, Resident of -Nawada Bazar, P.O.-Nawada Bazar, P.S.-Rajoun, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Sakahara, P.S.-Rajoun, District-Banka.
5. Rakesh Kumar, S/o Late Janardan Prasad Singh, Resident of -Bhusia, P.O.-Rajoun, P.S.-Rajoun, Town and District-Banka, presently posted as Assistant Teacher, Primary School, Mirjapur, P.S.-Rajoun, District-Banka.
6. Raj Kumar, S/o Late Ram Chandra Roy, Resident of -Asmanichak, P.O.-Bamdeo, P.S.-Rajoun, Town and District-Banka, presently posted as Assistant Teacher, Primary School, Tilakpur, P.S.-Rajoun, District-Banka.
7. Uday Kumar, S/o Late Ambika Prasad Singh, Resident of -Dumariya, P.O.-Dumariya, P.S.-Belhar, Gorgawan, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Baghounia, P.S.-Belhar, District-Banka.
8. Md. Masihuddin, S/o Md. Inamul Haq, Resident of Kasba, P.O.-Kasba, P.S.-Shambhuganj, Town and District-Banka, presently posted as Assistant Teacher, Urdu Primary School Girls, Kasba, P.S.-Shambhuganj, District-Banka.
9. Manik Kumar Mishra, S/o Late Sudhanshu Bhushan Mishra, Resident of Dumramah, P.O.-Dumramah, P.S.-Amarpur, Town and District-Banka, presently posted as Assistant Teacher, Girls Middle School, Amarpur, P.S.-Amarpur, District-Banka.
10. Praveen Kumar Ranjan, S/o Om Prakash Yadav, Resident of Rampur, Ward No. 26, P.O.-Malhara, P.S.-Rikhiya Mohanpur, Town and District-Deoghar, presently posted as Assistant Teacher, Upgraded Middle School, Kadarsa, P.S.-Chandan, District-Banka.
11. Kumar Amardeep, S/o Late Avoy Kumar Singh, Resident of Near Katchahari Compound, Bijay Bhawan, P.O.-Banka, P.S.-Banka, Town and District-Banka, presently posted as Assistant Teacher, Primary School (Boys), Jagatpur, P.S.-Banka, District-Banka.
12. Arbind Kumar Dubey, S/o Late Birendra Narayan Dubey, Resident of Navadih, P.O.-Phaga, P.S.-Bounsi, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Kanikaith, P.S.-Bounsi, District-Banka.
13. Purushottam Kumar, S/o Tribhuvan Prasad Singh, Resident of Nawada



- Bazar, P.O.-Nawada Bazar, P.S.-Rajoun, Town and District-Banka, presently posted as Assistant Teacher, Primary School, Nawada Bazar, P.S.-Rajoun, District-Banka.
14. Bipin Bihari Das, S/o Late Nageshwar Das, Resident of Kenduar, P.O.-Kenduar, P.S.-Amarpur, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Nagardih, P.S.-Phullidumar, District-Banka.
 15. Laxman Singh, S/o Late Bijay Kishor Mandal, Resident of Fatehpur, Ward No. 09, P.O.-Ganganiya, P.S.-Sultanganj, Town and District-Bhagalpur, presently posted as Assistant Teacher, Government Middle School, Kasba, P.S.-Shambhuganj, District-Banka.
 16. Nitya Nand Prasad, S/o Late Rabindra Prasad Yadav, Resident of Nagel, P.O.-Bishanpur, P.S. Belhar, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Chaiti, P.S. Belhar, District-Banka.
 17. Panchanand Kumar, S/o Late Chintamani Singh, Resident of Angaru, P.O.-Pilua Jharna, P.S. Bounsi, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Babhangama, P.S.-Bounsi, District-Banka.
 18. Jay Krishna Sharma, S/o Late Ram Bhajan Sharma, Resident of Ashram Nagar, Jagatpur, P.O.-Banka, P.S. Banka, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Bishahara, P.S.-Banka, District-Banka.
 19. Kumod Kumar Choudhary, S/o Late Rajendra Prasad Choudhary, Resident of Makeshar, P.O.-Sripathar, P.S. Dhoraiya, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Laugain, P.S.-Dhoraiya, District-Banka.
 20. Shashi Dhar Pandit, S/o Late Narayan Pandit, Resident of Kashidih, P.O.-Beldiha, P.S. Banka, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Bishanpur, P.S. Belhar, District-Banka.
 21. Rakesh Kumar Roy, S/o Late Uttam Prasad Roy, Resident of Badlachak, P.O.-Dhankuria, P.S. Belhar, Town and District-Banka, presently posted as Assistant Teacher, Primary School, Ghusiyamari, P.S. Phullidumar, District-Banka.
 22. Deepak Kumar Singh, S/o Late Sahdeo Prasad Singh, Resident of Banshipur, P.O.-Chatmadih, P.S. Shambhuganj, Town and District-Banka, presently posted as Assistant Teacher, Primary School, Goira, P.S. Shambhuganj, District-Banka.
 23. Pankaj Kumar, S/o Late Manikant Choudhary, Resident of Anand Colony, Ward no. 12, P.O.-Banka, P.S. Banka, Town and District-Banka, presently posted as Assistant Teacher, Upgraded Middle School, Kuttadih, P.S.-Banka, District-Banka.
 24. Mukesh Kumar, S/o Late Biswanath Jha, Resident of Shahabad, P.O.-Gangapur, P.S.-Sultanganj, Town and District-Bhagalpur, presently posted as Assistant Teacher, Abhyas Middle School, Banka, P.S. Banka, District-Banka.



... .. Petitioner/s

Versus

1. The Principal Secretary Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur.
4. The District Education Officer, Banka.
5. The District Program Officer (Establishment), Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-09-2019 The issue raised in the present writ application is no more res integra.

This Court has occasion to decide the issue in C.W.J.C. No. 7322 of 2017. The relevant part of the decision in C.W.J.C. No. 7322 of 2017 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 petitioners for grant of matric trained scale on completion of 3 years from the date of joining of the petitioners as they cannot be faulted in the matter of non-sending the petitioners 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 stands disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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