

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19905 of 2019

Prashant Kumar Singh, Son of Late Kaushal Kishor Singh, Resident of Village-Santhi, Police Station-Raghunathpur, District-Siwan. At present posted and working as an Assistant Teacher in Govt. Middle School Patar, Anchal-Andar, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. The Block Education Officer, Andar, District-Siwan.
8. The District Accounts Officer, Siwan.
9. The District Treasury Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, G.P. 27
		Mr. Hari Mohan Mishra, A.C. to G.P. 27

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-09-2019 The grievance in the present writ petition is no more res integra. Similar issue was considered by this Court in C.W.J.C. No. 7322 of 2017 in the order dated 11.04.2018. Relevant portion of the order dated 11.04.2018 is quoted hereinbelow:

“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 order passed in C.W.J.C. No. 7322 of 2017, the present writ application stands disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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