

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19327 of 2019

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Rita Devi @ Reeta Devi W/o Late Krishnandan Prasad Resident of Village Hanumannagar, Ward No. 10, P.O.- Belsand, P.S.- Belsand, District Sitamarhi at present posted as Assistant Teacher at Middle School Makhnaha, Block Belsand, P.S.- Belsand, District- Sitamarhi.

... .. 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 Sitamarhi, District- Sitamarhi.
5. The District Programme Officer (Establishment) Sitamarhi, District- Sitamarhi.
6. The Block Education Officer Belsand, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Respondent/s : Smt. Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-09-2019 The issue raised in the present writ application is no more res integrar.

This Court has occasion to decide the similar issue in C.W.J.C. No. 7322 of 2017 vide order dated 11.4.2018, the writ petition was disposed of.

The relevant part of the order 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 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 above, the present writ application also stands disposed of in similar terms.

(Anil Kumar Upadhyay, J)

Ravi/-

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