

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20328 of 2019

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1. Sudhakar Kumar, S/o Late Ranjeet Singh, Resident of Village- Ratanpur, P.O.- Piparahi, P.S.- Piparahi, District- Sheohar, presently posted as Assistant Teacher, Middle School Mahuawa Urdu, Piprahi.
 2. Md. Neyaj Ahsan, S/o Late Md. Zobair, Resident of Village- Basahia Shekh, P.O.- Piparahi, P.S.- Piparahi, District- Sheohar, Presently posted as Assistant Teacher, Middle School Mesaudha, Block- Piparahi, District- Sheohar.
 3. Sanjay Kumar, S/o Late Ram Bahadur Raut, Resident of Village- Basahiya, P.O.- Piparahi, P.S.- Piparahi, District- Sheohar, Presently posted as Assistant Teacher, Middle School Basahiya, S.C. (Piparahi), District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna. Education Department.
2. The Principal Secretary/Secretary, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary and Secondary Education, Education Department, New Secretariat, Patna.
4. The District Education Officer, District- Sheohar.
5. The District Programme Officer, District- Sheohar.
6. That Block Education Officer, Block- Piparahi, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumod Kumar Shrivastaw
For the Respondent/s	:	Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioners and the respondents.

The issue raised in the present writ application is no more res- integra. Similar issue was decided in C.W.J.C. No. 7322 of 0217 vide order dated 11.04.2018. 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 discussion made in the order dated 11.04.2018 passed in C.W.J.C. No. 7322 of 2017, the present writ application is disposed of with similar terms and conditions.

(Anil Kumar Upadhyay, J)

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