

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19970 of 2019

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Vinay Kumar Srivastava Son of late Umakant Prasad, Resident of Village- Azamgarh, P.S. Dumra, District- Sitamarhi, at Present Posted as Assistant Teacher(Matric Trained) Middle School Rampur Parori East, Block Dumra, P.S. Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education Tirhut Commissioner, Muzaffarpur.
4. The District Education Officer Sitamarhi, District- Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi District- Sitamarhi.
6. The Block Education Officer, Block- Dumra, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avinash, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (AAG-15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2019 The issue raised in the present writ petition is no more res integra. Similar issue has been decided in CWJC No. 7322 of 2017 vide order dated 11.4.2018. Relevant part of the order is quoted below:

“Considering the judgment of the Hon’ble the 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 must be taken by the respondents within a maximum period of 60 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 petition is disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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