

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20552 of 2019

1. Ashutosh Kumar S/o Late Kamleshwari Prasad Singh Resident of Village- Hussainbad, Ambay Road, Kutubganj, P.o.- Mirjanhat, P.s.- Mouzahidpur, District- Bhagalpur, Also resident of Village- Choti Jamin, P.o.- Murhan, P.s.- Sabour, District- Bhagalpur. Presently posted as Assistant Teacher Girls Middle School, Aliganj, Nagar Nigam, P.s.- Mouzahidpur, District- Bhagalpur
2. Mukesh Kumar S/o Late Shyamakant Mandal Resident of Mohalla- Shivpuri Colony, P.o.- Isakchak, P.S.- Isakchak, District- Bhagalpur, Presently posted as Assistant Teacher Middle School, Tardiha, Block- Jagdishpur, P.s.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary Govt. of Bihar, Patna
3. The Principal Secretary Department of Education, Govt. of Bihar, Patna
4. The Principal Secretary Department of Finance, Govt. of Bihar, Patna
5. The Director Primary Education, Govt. of Bihar, Patna
6. The District Magistrate Bhagalpur
7. The Regional Deputy Director of Education Bhagalpur
8. The District Education Officer Bhagalpur
9. The District Programme Officer (Establishment) Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-10-2019 The issue raised in the present application is no more

res integra. Similar issue was decided by this Court in C.W.J.C.

No. 7322 of 2017 vide oral order dated 11.4.2018.

The relevant part of the order 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 is disposed of with similar terms of C.W.J.C. No. 7322 of 2017.

(Anil Kumar Upadhyay, J)

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