

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21159 of 2019

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Shahi Bhanu Kishore Uday, son of Late Uday Bhanu Prasad Shahi, resident of
Village- Paterha, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 21-11-2019

Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

2. The petitioner in the present writ application prays
for the following reliefs :

“(i) For direction to the Respondent authority for
grant of Matric Trained Pay Scale to the petitioner
after three years from the date of his appointment or
from 01.10.2003 whichever is later in the light of
order dated 11.04.2018 passed in C.W.J.C.
No.7322/2017 as the case of the petitioner is squarely
covered by the decision passed by this Hon’ble
Court.



(ii) For direction to the Respondent authority to grant all other financial benefit along with arrears thereof in accordance with law.

(iii) And/or any other relief or reliefs for which the petitioner is found entitled to, in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the issue is no longer *res integra* and the matter with regard to the similarly situated person as of the petitioner has been dealt with by this Court in CWJC No.7322 of 2017, which has been disposed of on 11.04.2018, in the following terms :

“Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is that he has been made to suffer on account of lapse of the respondents in sending for in service training belatedly.

Referring to Annexure-1 he submits that it was the obligation of the respondent authorities to send the petitioner for in service training particularly with reference to Clause-4 (Annexure-1) but the respondents have failed to send the petitioner for in service training and on account of their failure the petitioner has been subjected to denial of pay scale of trained teacher.



He submits that there is no lapse on the part of the petitioner and on account of dilly-dally and lapse of the respondents, the petitioner was not sent for in service training earlier and as such he cannot be made to suffer on account of lapse of the respondents.

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 three 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 benefits should be extended to the petitioner within a further period of one month from the date of such decision.”

4. Considering the fact that this Court has considered the issue and passed an order, learned counsel for the petitioner prays for a similar direction in favour of the petitioner.

5. Learned counsel for the State submits that the issue is also similar and therefore the matter may be disposed of in the light of the aforementioned directions.

6. Considering the aforementioned facts and circumstances, let the case of the petitioner be taken up expeditiously, preferably within a period of six weeks from the date of receipt/production of a copy of this order and be decided in the light of the observations and directions as contained in the aforementioned judgment in CWJC No.7322 of 2017 dated 11.04.2018.

7. The writ application is disposed of accordingly.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

