

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22540 of 2018

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1. Madhuwani Kumari, D/o Siya Ram Sharma, Resident of Village- Tetri, P.O.- Tetri, P.S.- Dandari, District- Begusarai. At W/o Saroj Kumar, Resident of Village- Miralipur, Ward No.12, P.S.- Baliya, District- Begusarai.
 2. Manjay Kumar Paswan, S/o Ram Nandan Paswan, Resident of Village- Rajopur Katarmala, Ward No.06, P.O.- Katarmala, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Deputy Director, Primary Education, Government of Bihar, Patna.
4. Regional Director of Education, Munger.
5. The District Magistrate, Begusarai.
6. The District Education Officer, Begusarai.
7. The District Programme Officer Establishment, Begusarai.
8. The Block Development Officer, Dandari, District- Begusarai.
9. The Block Education Officer, Dandari, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioners and the respondents.

The issue raised in the present writ application is no more res integra. This Court has occasion to consider the same issue in C.W.J.C. No. 7332 of 2017 and vide order 11.04.2018, the Court disposed of the writ application of similarly circumstanced petitioner Abdus Samad.



The case of the petitioners is similar to the case of Abdus Samad (petitioner of C.W.J.C. No. 7332 of 2017) and as such the present writ application is disposed of with the same terms:

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.

(Anil Kumar Upadhyay, J)

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