

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2232 of 2020

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1. Amit Kumar S/o Late Krishna Kant Singh Resident of Mohalla- Mahamaya Asthan, Majhauri Khetal, Khabra, P.S.- Sadar, P.O.- Dumari, District- Muzaffarpur, PIN- 843146, at present posted as Assistant Teacher, Government Basic School Pratappur, Block- Marwan, District- Muzaffarpur.
 2. Sri Narayan Ray, S/o Satya Narayan Ray, Resident of Village- Simra, Semra @ Chak Srikant, Ward No.-06, P.O.- Srikant, P.S.- Piar, District- Muzaffarpur, PIN- 843115, at present posted as Assistant Teacher, Government Basic School Piar, Block- Bandra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, District- Muzaffarpur.
6. The District Programme Officer, Establishment, District- Muzaffarpur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2020 The issue raised in the present writ application is

no more res integra.

This Court has occasion to decide the similar

issue in the case of Abdus Samad Vs. the State of Bihar &

Ors. in C.W.J.C. No. 7322 of 2017.

In order to maintain consistency, the writ petition



is disposed of in similar terms of C.W.J.C. No. 7322 of 2017. 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.

(Anil Kumar Upadhyay, J)

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