

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2251 of 2020

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1. Ranjit Kumar Choudhary, Male, aged about 42 years, Son of Late Baikunth Narayan Choudhary, Resident of Ward No. 07, Village- Mahishi North, Police Station- Mahishi, District- Saharsa.
 2. Ram Chandra Prasad, Male, aged about 53 years, Son of Late Yoganand Tanti, Resident of Village- Sattar, Police Station- Bihra, District- Saharsa.
 3. Shambhu Kumar Mishra, Male, aged about 40 years, Son of Late Shobha Kant Mishra, Resident of Village- Lagma, Police Station- Sonbarsa, District- Saharsa.
 4. Kundan Kumar Bharti, Male, aged about 41 years, Son of Late Deo Narayan Ram, Resident of Village- Mahpura, Punarwas, Police Station- Mahishi, District- Saharsa.
 5. Md. Rashid Iqbal @ Md. Rashid Eqbal, Male, aged about 42 years, Son of Late Md. Muslim, Resident of Ward No. 10, Gandhi Path, Saharsa, Police Station- Saharsa Sadar, District- Saharsa.
 6. Ashok Kumar, Male, aged about 38 years, Son of Late Chandu Kumar Raman, Resident of Village- Menha, Police Station- Bihra, District- Saharsa.
 7. Shivanand Roy, Male, aged about 46 years, Son of Late Uday Kant Roy, Resident of Village- Baghwa, Police Station- Simri Bakhtiyarpur, District- Saharsa.
 8. Birendra Kumar Yadav, Male, aged about 45 years, Son of Late Ganesh Narayan Yadav, Resident of Village- Sahuriya, Ward No. 10, Police Station- Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Primary Education Department, Government of Bihar, Patna.
3. The Director, Primary Education Department, Government of Bihar, Patna.
4. The District Education Officer, Saharsa.
5. The District Programme Officer (Establishment), Saharsa.
6. The District Treasury Officer, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-02-2020 Heard learned counsel for the petitioners and learned



counsel appearing on behalf of the respondents.

Learned counsel for the petitioners submits that the petitioners were appointed on compassionate ground in between the years 2001 to 2003. After appointment it was obligation of the respondents to send the petitioners for in-service training but the respondents did not send the petitioners to in-service training as a result thereof the petitioners could not appear in the training examination earlier. In terms of the decisions of the respondents themselves, those who appeared in training examination conducted in the year 2004, they were granted the benefit of trained scale right from 1.10.2003, which was subsequently modified. Learned counsel submits that in view of the decision of the respondents the petitioners were also entitled for training but they were not sent for training in time and as such, they cannot be made to suffer for the lapse of the respondents.

In similar facts situation, this Court has occasion to decide in C.W.J.C. No. 7322 of 2017 vide order dated 11.4.2018 by which the court has held that the petitioners of that case are entitled for grant of trained scale after three years from the date of their joining.

Having considered the facts, I dispose of this writ petition with a direction to the respondents to consider the case of the petitioners for grant of trained scale from the date on which the



petitioners were found entitled and pass order in accordance with law within four months from the date of receipt of this order in the light of the order passed in CWJC No.13734 of 2012.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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