

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2205 of 2020

Md. Ghulam Rabbani Son of Late Md. Shafi Ahmad Resident of Village-
Jahana, Police Station- Konch, District- Gaya. At present residing at Raja
Bagicha, Rafiganj, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-the Principal Secretary, Education
Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Regional Deputy Director of Education, Magadh Division, Gaya.
6. District Education Officer, Gaya.
7. The District Programme Officer (Establishment), Education, Gaya.
8. The Block Education Officer, Block- Konch, District- Gaya.
9. The District Treasury Officer, Gaya.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Umesh Kumar Mishra, Advocate
For the Respondents	:	Smt. Binita Singh SC 28
		Mr. Nishant Kr. Jha, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Learned counsel for the petitioner submits that the
issue raised in the present writ application is no more res integra
as the same issue was decided by the order dated 11.04.2018
passed in CWJC No. 7322 of 2017 (**Abdus Samad Vs. The
State of Bihar & others**). The relevant part of the aforesaid
order is quoted hereinbelow:-



“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 lapses of the respondents in belatedly sending the petitioner for in service training, the respondents are required to consider the case of the petitioner and if 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 Ground (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 of such decision.”

In order to maintain consistency, the present writ application is also disposed of in the same terms of the order dated 11.04.2018 passed in CWJC No. 7322 of 2017 (**Abdus Samad Vs. The State of Bihar & others**).

(Anil Kumar Upadhyay, J)

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