

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3199 of 2020**

- 
1. Ramashankar Prasad S/o Rajesh Kumar Resident of Village- Mahamada, P.S.- Mehshi, District- East Champaran at present posted as Asst. Teacher in Middle School, Bakhari, Block- Mehshi, District- East Champaran.
  2. Vinod Kumar Thakur S/o Fulena Thakur Resident of Village- Dumariya, P.S.- Dumariya Ghat, District- East Champaran at present posted as Asst. Teacher in Primary School, Dumariya, Block- Sangrampur, District- East Champaran.
  3. Ashok Kumar Yadav S/o Late Ramanand Ray Resident of Village- Ram Karan Pakri, P.S.- Chakia, District- East Champaran at present posted as Asst. Teacher in Primary School, Laukahan, Block- Chakia, District- East Champaran.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Human Resource and Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The Regional Deputy Director, Muzaffarpur, District- Muzaffarpur.
4. The District Education Officer, East Champaran, Motihari.
5. The District Programme Officer (Establishment), East Champaran, Motihari.
6. The Block Education Officer, Block- Mehshi, District- East Champaran.
7. The Block Education Officer, Block-Sangrampur, District- East Champaran.
8. The Block Education Officer, Block- Chakia, District- East Champaran.

... .. Respondents

---

**Appearance :**

For the Petitioners : Mr.Sanjay Kumar, Advocate  
For the Respondents : Mr.Madhaw Prasad Yadaw GP23

---

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      24-02-2020                      Heard learned counsel for the petitioners and learned counsel for the respondents.

Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the judgment 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. 323 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 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 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 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 benefits should be extended to the petitioner within a further period of one month from the date of such decision.”*

In view of the aforesaid, the writ application is disposed of in the same terms as decided in the judgment dated 11.04.2018 passed in CWJC No. 7322 of 2017 (**Abdus Samad Vs. The State of Bihar & others**).

**(Anil Kumar Upadhyay, J)**

BT/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

