

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4668 of 2020

1. Ajay Kumar, Son of Late Krityanand Jha, Permanent Resident of Village- Karhariya, P.O. - Harnathpur, P.S.- Sajour, District- Bhagalpur, Presently Residing at Suryalok Colony, Bagbari, Kutubganj, Mirjanhat, P.S. - Mojahidpur, District- Bhagalpur, Presently posted as Assistant Teacher Middle School, Chandpur, Block- Shahkund, P.S. - Sajour, District- Bhagalpur.
2. Rupesh Kumar Singh, Son of Late Ratan Kumar Singh (Kargil Sahid), Resident of Village- Tirasi, P.O.- Suatiya Bazar, P.S. Gopalpur, District- Bhagalpur, Presently posted as Assistant Teacher in Middle School, Tirasi, P.S.- Gopalpur, Bhagalpur.
3. Deepak Kumar Thakur, Son of Suresh Kumar Thakur, Resident of Village - Rangra, P.O. - Rangra, P.S. - Gopalpur (Rangra Chowk), Via - Naugahiya, District - Bhagalpur. Presently posted as Assistnat TEacher in Primary School, Kathalbari, Nagar Nigam, P.S.- Barari, District- Bhagalpur.
4. Rajesh Kumar Madhukar, Son of Late Shyam Sundar Jha, REsident of Mohalla - Bal Krishna Nagar (Surkhikal), P.S.- Barari, P.O. - Tilka Manjhi, District - Bhagalpur. Presently posted as Assistant Teacher in Middle School, Mayaganj, P.S. Barari, District- Bhagalpur.
5. Rakesh Kumar Mishra, Son of Late Brighunandan Mishra, Resident of Village - Manikpur, P.O. - Ratnapur Manipur, P.S. - Shahkund, District- Bhagalpur. Presently posted as Assistant Teacher in Middle School, Chaudhary Dih East, Block - Goradih, P.s. - Lodipur, District- Bhagalpur.
6. Pranab Kumar Mishra, Son of Late Baldeo Mishra, Resident of Village - Barahi Tola Kali Asthan, Bhikhanpur, P.O. - Bhagalpur, P.S. - Isakchak, District- Bhagalpur, Presently posted as Assistant Teacher in Middle School Manoharpur, P.S.- Masudanpur, District- Bhagalpur.
7. Binod Ram @ Vinod Ram, Son of Late Vilo Ram, Resident of Village - Pakra, P.O. - Pakra, Block - Naugachiya, P.S. -Naugachiya, District- Bhagalpur. Presently posted as Assistant Teacher in Primary School Deiswali Kanya. Naughachiya, P.S. - Naugachiya, District- Bhagalpur.
8. Manoj Kumr, Son of Late Rajendra Singh, Resident of Village - Tulsipur, P.O. - Tulsipur, P.S. - Kharik Bazar, District- Bhagalpur. Presently posted as Assistant Teacher in Middle School, Tetri, P.s. - Naugachiya, District- Bhagalpur.
9. Uday Kant Jha, Son of Late Devnandan Jha, REsident of Village - Gauripur, P.O. - Ranuchakmakandpur, P.S. - Akbarnagar, District- Bhagalpur. Presently posted as Assistant Teacher in Middle School, Makandpur, P.s.- Nathnagar, District- Bhagalpur.
10. Saurabh Kumar, Son of Late Rajendra Kumar Singh, Resident of Basant Vihar Colony, Zero Mile, P.O. - Bahadurpur, P.s.- Zero Mile, District- Bhagalpur. Presently posted as Assistant Teacher in Vinoba Kanya Middle School, Rannucha, Makandpur, P.S.- Nathnagar, District- Bhagalpur.
11. Umesh Kapri, Son of Late Sagar Kapri, Resident of Village - Kaliprasad, P.S.- Pirpanti, District- Bhagalpur. Presently posted as Assistant Teacher in



Middle School, Diloni, P.S.- Pirpainti, District- Bhagalpur.

12. Bibhash Kumar Chakraverti, Son of Late Brahm Deo Sah, Resident of Village - Lila Teli Lane, Aliganj, P.O. - Mirjan Hatt, P.S. - Mojahidpur, District- Bhagalpur. Presently posted as Assistant Teacher in Middle School, Maheshpur, Nagar Nigam, P.S. - Mojahidpur, District- Bhagalpur.
13. Atal Bihari Singh, Son of Late Bhola Mahto, Resident of Village - Pachgachia Bazar, Dharhara, P.O. - Pachgachia Bazar, P.S.- Gopalpur, District- Bhagalpur. Presently posted as Assistant Teacher in Primary School, Lattipakar, Block- Gopalpur, P.s.- Gopalpur, District- Bhagalpur.
14. Uttam Kumar, son of Lat Chandradeo Sharma, Resident of Village - Dharhara, P.O.- Dharhara, P.S.- Gopalpur, District- Bhagalpur, Presently posted as Assistant Teacher in Middle School, Abhiya Block- Gopalpur, P.s.- Gopalpur, District- Bhagalpur.
15. Pinku Kumar, Son of Late Upendra Prasad Yadav, Resident of Village - Balaha, P.O.- Narayanpur, P.S.- Bihpur, District- Bhagalpur. Presently posted as Assistant Teacher in Primary School, Madhurapur, Musaliman Tola, P.S. - Bihpur, District- Bhagalpur.
16. Amrendra Kumar Thakur, son of Late Rajendra Thakur, Resident of Village - Bhramarpur, P.O.- Bhramarpur, P.S. - Bihpur, District Bhagalpur. Presently posted as Assistant Teacher in Middle School, Chakrami, P.s.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, patna.
5. The Director, Primary Education, Government of Bihar, Patna.
6. The District Magistrate, Bhagalpur.
7. The Regional Deputy Director of Education, Bhagalpur.
8. The District Education Officer, Bhagalpur.
9. The District Programme Officer (Establishment), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-03-2020

Heard learned counsel for the petitioner and the



State.

Learned counsel appearing on behalf of the petitioner would submit that the issue raised in the present writ petition is no more res integra. Similar issue was decided by this Court in CWJC No. 7322 of 2017 vide order dated 11.04.2018. 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.”

In order to maintain consistency, the present writ petition is disposed of in the same terms.

(Anil Kumar Upadhyay, J)

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