

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4373 of 2020

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Mukesh, Son of Late Ramakant Sharma Resident of Village- Dhibra per, Kab, P.O.- Kab, P.S.- Rani Talab, District- Patna. Presently posted as Assistant Teacher, Government Primary School, Baijalpur, Block- Dulhin Bazar, P.O.- Kab, P.S.- Dulhin Bazar, District- Patna.

... .. 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, Patna.
7. The Regional Deputy Director of Education, Patna.
8. The District Education Officer, Patna.
9. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Respondent/s : Mr.Smt.Shilpa Singh (GA 12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that the present writ petition is covered by the decision of this Court in CWJC No. 7322 of 2017 (Abdus Samad Vs. The State of Bihar & Ors.) vide order dated 11.4.2018. The relevant part of the order is quoted below:-

“Considering the judgment of the Hon’ble the



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 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 Syndicate Ltd. (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 in-service training. Necessary decision in this regard may be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order 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 similar terms. The respondents are



directed to examine the claim of the petitioner in the light of the aforesaid order and pass appropriate order granting similar treatment to this petitioner also as given to the petitioner (Abdus Samad) of that case.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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