

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4605 of 2020

Karunesh Kumar S/o Late Uday Pratap Kumar, Resident of Village Parsauni Kapur Kapoor P.S. Patahi, District East Champaran. At present Assistant Teacher posted at Rajkiya Primary School Rupani Pandey tola (Urdu) Block-Patahi, P.s.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources development Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director Primary Education Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Muzaffarpur
4. The District Education Officer, Motihari, District East Champaran
5. The District Programme Officer (Establishment) Motihari District East Champaran
6. The Block Education Officer, Patahi, District East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-03-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The issue raised in the present writ application is no more res integra. Similar issue was decided by this Court vide order dated 11.04.2018 in C.W.J.C. No. 7322 of 2017. The relevant part of the order dated 11.04.2018 is quoted herein 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 view of the discussions made in CWJC No. 7322 of
2017, the present writ petition is allowed in similar terms and
conditions.

(Anil Kumar Upadhyay, J)

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