

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1425 of 2020

1. Sazzan Kumar Chourasia Son of Deep Narayan Modi, Resident of Village- Ambedkar Nagar Zero Mile, Bahadurpur, Police Station- Jharkhuria, District- Bhagalpur.
2. Mukesh Kumar Das, Son of Sudin Das, Resident of Village- Dimha, Police Station- Gopalpur, District- Bhagalpur.
3. Rina Devi, Daughter of Janardan Prasad Mandal and Wife of Sanjay Kumar Mandal, Resident of Village- Abhia, Police Station- Gopalpur, District- Bhagalpur.
4. Shubham Kumar Son of Sri Rajendra Prasad Thakur, Resident of Village- Makandpur P.O. Abhia, Police Station- Gopalpur, District- Bhagalpur.
5. Md. Balal Ahmad, Son of Md. Siddique Ansari, Resident of Village- Dhruvaganj, Police Station- Kharik Bazar, District- Bhagalpur.
6. Ashutosh Anand, Son of Kameshwar Prasad Yadav, Resident of Village- Bhawanipur, Police Station- Rongara Chowk, District- Bhagalpur.
7. Md. Moinuddin, Son of Salik Alam, Resident of Village- Muslim Tola, Police Station- Gopalpur, District- Bhagalpur.
8. Rashmi Kumari, Daughter of Ravindra Kumar Pandit and Wife of Rajendra Kumar Pandit, Resident of Village- Saidpur, Police Station- Gopalpur, District- Bhagalpur.
9. Bikash Kumar, Son of Shiv Shankar Yadav, Resident of Village- Paryagi, Police Station- n Gangori, District- Bhagalpur.
10. Sanjeev Kumar, Son of Bhubneshwar Jaiswal, Resident of Village- Shahu Tola, Bhawanipur, Police Station- Gopalpur, District- Bhagalpur.
11. Birendra Kumar, Son of Suresh Prasad Das, Resident of Village- Dumariya, Police Station- Gopalpur, District- Bhagalpur.
12. Chanda Kumari, D/o of Gopi Harijan and Wife of Pramod Kumar, Resident of Village- Barmasia, Police Station- Katihar, District- Katihar, Presently residing at Lalkothi (Near Jain Mandir), Police Station- Tatarpur, District- Bhagalpur.
13. Birendra Kumar, Son of late Radhe Mandal, Resident of Village- Pandit Tola, Block Road, Police Station- Karaila, District- Bhagalpur.
14. Priti Kumari, Daughter of Ram Prit Yadav, Resident of Village- Jawaripur, Police Station- Tilka Manjhi, District- Bhagalpur.
15. Rekha Kumari, Wife of Amrendra Kumar Singh, Resident of Village- Bhatuachak, Police Station- Bhatauria, District- Bhagalpur.
16. Md. Asad Son of Md. Abdul Resident of Simaria, Panchayat- Kasraili, Police Station- Nath Nagar, District- Bhagalpur.
17. Jyoti Rani, Wife of Prakash Rajak, Resident of Nulni, P.O. Chazabargaon, Police Station- Sabaur, District- Bhagalpur.
18. Noorunnahar, Daughter of Md. Sadrul Alam, Resident of Village and P.O.- Simaria, Police Station- Kajarouli, District- Bhagalpur.



19. Ravi Kant Thakur, Son of late Yogendra Prasad, Resident of Thakur Tola , Balna Tola, Nath Nagar, Police Station- Nath Nagar, District- Bhagalpur.
20. Punita Kumari, Wife of Pankaj Kumar Singh, Resident of Village- Simaria, Fattachak, Police Station- Nath Nagar, District- Bhagalpur.
21. Dhananjay Kumar Singh, Son of Kameshwar Prasad Singh, Resident of G.N. Mukherjee Road, Near Bhikhanpur, Police Station- Bhikhanpur, District- Bhagalpur.
22. Binay Kant Choudhary, Gajadhar Mandal, Resident of Village and Police Station- Sultanpur Bhatti, District- Bhagalpur.
23. Bandana Kumari, Wife of Ashok Kumar Rajak, Resident of Vikramshila Police Station- Tilka Manjhi, District- Bhagalpur.
24. Vina Kumari, Wife of Sanjay Kumar, Resident of Zero Mile Road, Bisari Tola, Police Station- Navgachhia, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Director, State Council of Educational Research Bihar, Patna.
4. The Bihar School Examination Board, through its Secretary, Patna.
5. The Regional Director of Education, Bhagalpur Division, Bhagalpur.
6. The District Education Officer, Bhagalpur
7. The District Programme Officer (Establishment), Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeeva Roy
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-01-2020 Heard both sides.

The petitioners filed this writ petition for following
reliefs:-

“(i) For holding that the petitioners are entitled to get the grade pay/trained scale having completed the course of D. El. Ed. (ODL) training, session 2013-15(A) in March, 2016.

(ii) For holding that the petitioners, who have appeared in the final examination of D. El. Ed. (ODL) in



June, 2016, however, they were not declared passed as they have failed to clear one paper (petitioner No. 5, Balal Ahmad in two papers), but despite there has been provision for compartmental examination and despite of the fact that the petitioners were ready to take examination, for none of fault of the petitioners, compartmental examination of the petitioners was taken only in November, 2018 along with the trainees of junior batches of 2013-15 (B), (C) and (D) sessions and results were published in March, 2019 besides the trainees of the sessions 2014-16, 2015-17, 2016-18 and 2017-19.

(iii) For holding that if an examinee or a candidate fails to clear one/two papers and there has been provision for compartmental examination it is obligatory on the part of the authorities of the School Examination Board to hold examination of such candidates first so that they may not suffer any prejudice or loss.

(iv) For holding that the petitioners cannot be denied grant of grade pay from the date, they had completed their course of 4th semester, i.e. March, 2016 as the lapses on the part of the respondents in holding examination at belated stage cannot be ground to deny the benefit of grant of trained pay scale to the petitioners.

(v) For commanding the respondents to pay the petitioners the prescribed trained pay scale/grade from the date of completion of training course of the petitioners to which they are legally entitled.

(vi) For holding that since admittedly the petitioners had completed the training course of 2013-15 (A) session in March, 2016 itself, the compartmental examination of D. El. Ed. (ODL) could not be held due to the lapses on the part of respondents as well as their examinations were ultimately held in November, 2018, result of which has been published in March, 2019 along with the persons, who had completed their training course recently and their



examinations were held in February, 2019.

(vii) For holding that the petitioners cannot be made to suffer for none of their fault as it was the duty of the Bihar School Examination Board or the agency controlling the examination to hold the examination timely and publish the result at an early date so that even if the payment of grade pay is linked with the publication of result, the trainee teachers do not suffer.

(viii) For grant of any other relief or reliefs to the petitioners for which they are found to be legally entitled in the facts and circumstances of this case.”

The learned counsel for the petitioners submits that result has already been published and marks sheet are being issued to the examinees appeared in the examination. It is submitted that petitioners completed the training programme in the year 2016 but the result was declared belatedly. It is submitted that increment should be granted to the petitioners immediately after completion of academic year 2013-15. The course was completed in the year 2016, the examination was held in November, 2018 and thereafter the result was published. Some of the teachers filed CWJC No.16165 of 2019 and this Court by order dated 09.08.2019 disposed of the writ petition with direction to the Director, Primary Education to consider the case of those petitioners for grant of increment and other benefits from the date of completion of their training as there were no lapses on the part of the teachers who were sent for training course but even after completion of training the examination was not held immediately and result was also not



published in time.

Having considered the submissions of both sides, I dispose of this writ petition with a direction to the Director, Primary Education to consider the case of the petitioners also in the light of direction given by this Court in CWJC No.16165 of 2019 and grant all consequential benefits after completion of training course, in accordance with law.

With the aforesaid direction, this writ petition stands disposed of.

(Prabhat Kumar Jha, J)

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