

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6446 of 2021

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1. Md. Anwar Sadat Son of Late Md. Shahab Uddin Presently posted as Assistant Teacher Urdu Middle School, Lodipur (Sabour), Bhagalpur, Resident of Village- Harna Buzurg, Police Station- Rajoun (Nawada Bazar O.P.), District- Banka.
 2. Md. Moinuddin Son of Late Md. Afzal Ahmad posted as Assistant Teacher Urdu Primary School, Moghalpura, Nagar Nigam, Bhagalpur, Resident of Village- Semaria, Block- Nathnagar, P.S.- Kajraili, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director (Primary Education), Government of Bihar, Bihar, Patna.
4. The Regional Deputy Director, Education, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The District Program Officer, Bhagalpur.
8. The Head Master, Urdu Madhya Vidyalaya, Lodipur, Sabour.
9. The Head Master, Urdu Madhya Vidyalaya, Mogalpur, Nagar Nigam, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-03-2021 The issue raised in the present writ application is no more *res integra*.

Similar issue was considered by this Court in CWJC
No. 7322 of 2017.

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.”

(Anil Kumar Upadhyay, J)

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