

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7231 of 2015

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Viveka Nand Singh Suman son of Late Adya Prasad Singh, resident of
village- Dhabauli, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Department of Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer (Establishment), Saharsa.
7. The Headmaster-cum-Drawing and Disbursing Authority, Middle School, Dabhauli, Saharsa.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Adv.

For the State : Mr. Mrigendra Kumar AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 12-12-2022

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner's claim for grant of *Matric* Trained
Scale has been turned down by the impugned order dated
31.07.2013, by the District Programme Officer (Establishment),



in the office of District Education Officer, Saharsa, as contained in Annexure-10 to the writ petition. The petitioner's claim in the writ proceedings is that the Authorities have tried to distinguish the petitioner's claim with that of *Ram Bahadur Mandal* by assigning a reason that petitioner has not produced any evidence to show that he was duly trained in terms of the requirement by passing a training examination from a recognized Institute. It is submitted that Annexure-1, being the office order dated 23-03-2001, issued by the *Rajkiya Shikshak Prashikshan Mahavidhyalay, Saharsa*, has been overlooked while rejecting the petitioner's claim. Specific assertion to this effect has been made by the petitioner in paragraph No.17 of the writ petition. The same is not answered by the respondent though Respondent No.6 has filed a counter affidavit.

3. Under such circumstances, the petitioner's counsel places reliance on an order dated 07-04-2022, passed in LPA No. 1528 of 2017 and analogous cases, wherein, the Director, Primary Education, Bihar, Patna has been directed to examine the claim and pass a reasoned and speaking order with respect to others who had claimed *Matric* Trained Scale and whose training was being disputed/not considered by the Authorities. The learned counsel, therefore, submits that the petitioner's case



may also be remitted to the Director, Department of Primary Education, Govt. of Bihar, Patna (Respondent No.3) for consideration.

4. Learned State counsel has appeared and submitted that after due consideration, the petitioner's claim has been rejected by the impugned office order. However, with respect to the petitioner's claim based on Annexure-1, since no specific averments have been made in the counter affidavit filed, then this Court may consider remitting the matter to the Respondent No.3 instead of keeping it pending further since the matter has already remained pending for now about more than seven years.

5. In view of the rival submissions, the matter is remitted to the Respondent No.3 for considering the petitioner's claim. The petitioner may approach Respondent No.3 along with a copy of this order and the evidence/proof in support of his claimed training within a period of three weeks.

6. The writ application is disposed of.

7. If the Respondent No.3 finds the petitioner's claim admissible, the consequential benefits may be granted to the petitioner as a result of such determination within 08 weeks thereafter. Otherwise, he would be under an obligation to pass a reasoned and speaking order showing due consideration of the



petitioner’s claim with reference to the documents that he may
produce.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-12-2022
Transmission Date	

