

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9393 of 2022

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Ram Krishna Pandey son of Shri Ram Kailash Pandey resident of Village Prashastdih, Post Office- Prashastdih, Police Station- Sabaur, and District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of HRD, Government of Bihar.
2. The District Magistrate, Bhagalpur.
3. The District Education Officer, Bhagalpur.
4. The Block Education Officer, Kahalgaon, Bhagalpur.
5. In-Charge Head Master Madhya Vidyalaya, Prashstdih, Kahalgaon, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Adv.
For the Respondent/s : Mr.Umesh Narayan Dubey, AC to GP XXVII

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 22-12-2022 Both the counsels agreed that the case stands covered by the decision taken by this Court in Md. Ataur Rahman & Ors. Vrs. UOI & Ors. and analogous cases (C.W.J.C. No. 16214 of 2019) decided on 19.10.2022, the petitioner has acquired training in 2017 and would therefore be entitled to the trained scale and be allowed to continue in category “A” in view of the observations made in Md. Ataur Rahman case (supra) as under :

“16. Accordingly, it is directed that the petitioners shall be treated as freshly appointed elementary school teachers and their services shall



be counted for all purposes from the date they acquired their training. The period of service rendered prior to acquiring training, shall not be counted for any other purpose.

*17. Keeping in view, the law laid down by the Apex Court in the case of **Syed Abdul Qadir & Ors. Vs. State of Bihar & Ors. reported in (2009) 3 SCC Page 475** and subsequent judgment in the case of **State of Punjab & Ors Vs. Rafiq Masih & Ors. Reported in (2015) 4 SCC Page 334**. The salary which they have drawn for the said period shall not be recovered.”*

In view of above, the writ petition is allowed accordingly.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 13

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