

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1528 of 2017

In
Civil Writ Jurisdiction Case No.14834 of 2015

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Kamleshwari Prasad Yadav son of Late Domi Prasad Yadav, Resident of
Village- Jori, P.S.- Nauhatta, District- Saharsa.

... .. Appellant/s

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, Primary Education, Department of Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Koshi Division, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer Establishment, Saharsa.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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with

Letters Patent Appeal No. 1509 of 2017

In
Civil Writ Jurisdiction Case No.12079 of 2015

- =====
1. Ram Prasad Sah and Ors Son of Late Baldeo Sah Resident of Village - Nakuch, Post Office - Mainagram, Police Station - Mahishi, District - Saharsa.
 2. Shyam Sundar Prasad Gupta Son of Shiv Kumar Prasad Gupta Resident of Village - Indarba, Post Office - Rauta, Police Station - Sour Bazar, District - Saharsa.
 3. Bhagwat Sah Son of Madhu Sah Resident of Village - Sihaul, Post Office - Sihaul, Police Station - Bihra, District - Saharsa.
 4. Madan Prasad Yadav Son of Jhulan Prasad Yadav Resident of Village - Chakla, Post Office - Gauth Bardaha, Police Station - Ghaidadh, District - Madhepura.

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Saharsa.



4. The District Education Officer, Saharsa.
5. The District Programme Officer, Establishment, Saharsa.
6. The Accountant General, Bihar, Birchand Patel Path, Patna.
7. The Head Master, Primary School, Rampur, Anchal - Sour Bazar, District - Saharsa.
8. The Head Master, Primary School, Rasalpur, Anchal - Nauhatta, District - Saharsa.
9. The Head Master, Upgraded Middle School, Banchalha, Anchal - Sour Bazar, District - Saharsa.
10. The Head Master, Primary School, Ram Nagar, Anchal - Nauhatta, District - Saharsa.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1528 of 2017)

For the Appellant/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG15

(In Letters Patent Appeal No. 1509 of 2017)

For the Appellant/s : Mr. Shashi Dhar Jha

For the Respondent/s : Mr. Ashutosh Ranjan Pandey - AAG-15

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

9 07-04-2022 The appellants have impugned the order passed by the
learned Single Judge.

The order dated 22.09.2017 passed by the learned
Single Judge reads as under:

*“Heard counsel for the petitioners and counsel for
the State.*

*Not any kind of certification obtained by a teacher
showing himself to acquire training will make him
entitled for matric trained scale. Rule is
unambiguous, which has been brought on record as
Annexure- A to the counter affidavit of respondent*



no.5. Only two years training degree from a recognized institution can confer the status of training, which, in turn, can lead to grant of benefit of matric trained scale. Obviously, since these petitioners do not seem to have obtained training of recognized kind, the certification, which they have obtained, does not in any manner indicate that it is a two year training. It is only a one year training, which they have obtained, which cannot beget them matric trained scale.

Writ application has no merit. It is dismissed.”

During the course of arguments, a question arose whether the appellants were required to undergo one year training or two years training for getting Matric Trained pay-scale.

The Learned counsel for the parties have not been able to refer to the Rule in this regard. However, in the counter filed on behalf of the State, he has referred to a similar case decided by this Court on 24th October, 2013 in **CWJC No. 18410 of 2013**, titled as **Sitaram Ram Vs. The State of Bihar & Ors.**

Under the circumstances, we propose that the matter be remitted to the Director, Primary Education, Bihar, Patna to take a decision.

All counsels appearing before us are agreeable to this



proposal.

Under these circumstances, we remit the matter to the Director, Primary Education, Bihar, Patna to take appropriate decision, after examining the judgment on the issue. He shall not be swayed by the impugned order.

This order has been passed with consent of the learned counsel appearing for the parties.

Accordingly, both the Letters Patent Appeals stand disposed of on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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