

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.854 of 2019

=====

Raja Ram Prasad Son of Bigu Ram Resident of Village- Tarawan, Post Tarawan, P.S.- Nasriganj, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Chief Secretary, Patna
2. The Principal Secretary, Human Resources Department, Patna, Bihar
3. The Regional Director of Education Patna, Bihar
4. The Director, Primary and Middle School, New Secretariate, Patna
5. The District Education Officer, Rohtas Sasaram
6. The Block Education Officer, Nokha, Rohtas

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.
For the Respondent/s : Mr. Kameshwar Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 07-02-2023 1. Both the learned counsels agree that the issue raised in the present petition stands governed by the judgment passed by the Division Bench of this Court in **Chandra Kant and Ors. Vs. State of Bihar** decided on **L.P.A. 412/2003** decided on **23rd September, 2010.**

2. The petitioner has prayed as under:

“That this writ application is being filed for a direction to the respondents for payment of salary of trained scale to the petitioner because he is a matric trained teacher and passed the examination of training in one time according to term and



condition held in compromise between the government and union (sangh) of the teachers. The petitioner has got the salary of trained scale once and after that he was cancelled without any reason illegally. The petitioner has right to got the salary of trained scale and further be directions to respondents and authority concerned to consider the matter of the petitioner. The petitioner further pray for any other relief/reliefs for which he has duly entitled under the facts and circumstances of this case.”

3. It is pointed out that he passed the training programme in the year 2005 and was therefore, entitled to retain pay scale from the date of appointment. The delay in conducting examination cannot be attributed to him. The Division Bench (*supra*) has held as under:

“30. Coming to the last issue, we find merit in the submission advanced on behalf of the appellants that due to inability of the State Government to hold the required examination within a reasonable time, the appellants who were successful, have suffered undue hardship. In that view of the



matter, when the examination could not be held within two years in spite of directions of the Apex Court and even later, as per directions of this Court, we are of the view that the State Government which has the necessary powers, must take steps to relax rule 11 of the Rules as a one time measure within a reasonable time and take a prompt decision to grant matric trained scale to the teachers who have passed the in-service training examination in June,2005 from any date which may be found suitable and reasonable so as not to affect such teachers adversely for the unusual delay in holding the training examination. It would be reasonable and appropriate to grant matric trained scale to such teachers as indicated above from any reasonable date, may be from the date when the period of two years fixed by the Apex Court for completing the training of such teachers expired without compliance or even from 1-10-2003, i.e. when actual payment in Matric trained scale was stopped. Keeping in view the requirements of Article 14 of the constitution, benefit of advancing the date



for grant of Matric trained scale, as indicated above will also be made available to such teachers who may pass the training examination in the second attempt. For them the date will vary but benefit should be on same lines as given to those who have passed in the first attempt.

31. We, accordingly direct the respondents to take appropriate decision in the light of observations and directions indicated above within three months from today.”

4. Keeping in view above, the same directions are issued in favor of the petitioner.

5. The writ petition stands allowed.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 53

U			
---	--	--	--

