

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8084 of 2023

1. Ratan Kumar Yadav Son of Late Yogendra Prasad Yadav, resident of village and P.O.- Dighi (Bhelahi) Ward no.03, Police Station - Murliganj, District- Madhepura.
2. Amresh Kumar Amar, Son of Late Ramnath Prasad Yadav, resident of Village - Kolhaypatti, Ward no. 04, P.O. - Raghunathpur, Police Station - Murliganj, District- Madhepura.
3. Radha Krishna Gopal, Son of Late Ram Narayan Yadav, resident of village- Azadnagar, Ward no. 09, Police Station and District - Madhepura.
4. Sandip Kumar Son of Late Sudisht Yadav, resident of village and P.O. Tulsibari, Ward no. 07, Police Station and District - Madhepura.
5. Mithilesh Kumar, Son of Late Biranchi Ram, resident of village and P.O. - Sakarpura, Police Station and District - Madhepura.
6. Ajit Kumar Singh, Son of Late Bindeshwar Mehta, resident of village and P.O. - Amha, Police Station and District - Supaul.
7. Nandan Kumar, Son of Late Anirudh Prasad Yadav, resident of village and P.O.- Aurahi, Police Station - Gamhariya, District - Madhepura.
8. Mukesh Kumar Gupta, Son of Late Gulab Sah, resident of village - Arsi, P.O. Maina, Police Station - Sonbarsha, District - Saharsa.
9. Manoj Kumar, Son of Late Mohan Mandal, resident of village- Kamargama, Police Station - Sirigheshwar, District - Madhepura.
10. Rahul Kumar, Son of Late Bhupendra Kumar, resident of village - Gelhiya, Police Station - Pipra, District - Supaul.
11. Ajay Kumar, Son of Late Parmeshwari Prasad Yadav, resident of village and P.O.- Sahugardh 01 Tola Maurakahi Ward no. 05, Police Station and District - Madhepura.
12. Wakil Choudhary Son of Late Kameshwar Choudhary, resident of Village - North of Madhepura College Ward no. 2, Anand Vihar, Police Station District- Madhepura.
13. Babita Kumari daughter of Late Shyamal Kishore Yadav, resident of village- Azad Nagar, Teacher Training College, Madhepura, Police Station and District - Madhepura.
14. Mohammad Gayas Uddin Son of Late Md. Shakul Uddin, resident of village - Sahora Tola, Ward no. 11, Chousa Paschmi, Police Station - Chousa, District - Madhepura.
15. Anoj Kumar Son of Late Budhdho Paswan, resident of village and P.O. Ghoghanpatti, Police Station - Patarghat, District- Saharsa.
16. Nikhil Mishra, Son of Bambam Mishra, resident of village and P.O. Ranipatti Kumarkhand, Police Station - Kumarkhand, District - Madhepura.
17. Renu Kumari, Wife of Chandra Bhushan Pd. Yadav, resident of village- Mathkurjya, Ward no. 06, Police Station - Triveniganj, District - Supaul.
18. Md. Abdullah Son of Md. Quasim, resident of village - Maheswa, Ward no. 14, Police Station and District - Madhepura.
19. Shashidhar Kumar, Son of Late Kedar Nath Bhagat, resident of village and



Police Station - Singheshwar, District - Madhepura.

20. Arjun Kumar, Son of Late Umesh Prasad Yadav, resident of village - Udakishunganj Belodhi, Ward no. 05, Police Station - Udakishunganj, District- Madhepura.
21. Ashwini Kumar, Son of Sri Ramji Prasad Roy, resident of village and P.O. - Godhaila, Police Station and District - Madhepura.
22. Ashish Kumar Son of Late Umakant Yadav, resident of village - Ramni, P.O. Gangapur, Police Station - Murliganj, District - Madhepura.
23. Shambhu Kumar, Son of Late Shatrughan Prasad Yadav, resident of village - Baijnathpur, Police Station - Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director, Education, Kosi Division, Saharsa.
4. The District Education Officer, Madhepura.
5. The District Programme Officer (Establishment), Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Sagar Singh, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp 23)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents/State.

2. This writ application has been filed for issuance of appropriate writ(s)/direction(s) for commanding the respondents to grant matric trained scale from the date of completion of three years of service w.e.f. the date of appointment alongwith all other consequential benefits.



3. Learned counsel for the petitioners submits that as per terms & conditions of appointment, all these petitioners should have been sent for in-service teacher training within two years by the respondent authorities, but despite several representations to the respondent authorities, these petitioners were not sent for such training. In such situation, on the laches of respondent authorities, the petitioners cannot be made to suffer. In this regard, learned counsel for the petitioners has placed reliance on Annexure – 4 i.e. order of the Single Bench dated 11.04.2018 passed in C.W.J.C. No. 7322 of 2017 (Abdus Samad v. The State of Bihar & Ors.) and the said order has already been affirmed by the Division Bench, vide order dated 08.07.2022 passed in L.P.A. No. 502 of 2021 (Annexure – 5). Accordingly, learned counsel for the petitioners prays for considering the case of petitioners in the light of aforesaid orders.

4. Learned counsel for the State does not dispute the submission made on behalf of the petitioners.

5. Considering the submission made on behalf of the parties and materials available on record, the writ petition stands disposed of with a direction to the concerned respondent(s) to consider the case of the petitioners for grant of matric trained



scale on completion of 3 years from the date of joining of the petitioners, as they cannot be made to suffer on account of lapse of the respondents in non-sending petitioners for in service training. Necessary decision in this regard may be taken by the respondents within a period of sixty days from the date of receipt/production of copy of this order and consequential benefit should be extended to the petitioners within a further period of one month from the date of such decision.

6. With above observation and direction, the writ petition is disposed of.

(Prabhat Kumar Singh, J)

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