

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17784 of 2024

Punam Kumari Wife of Anmesh Kumar Sharma resident of village- Kamalpura, Police Station - Paroo, District- Muzaffarpur. At present working as Assistant Teacher, U.M.S Kamalpura, Baradih, Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer (Establishment) Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Government Advocate 7

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2024 Heard learned counsel for the petitioner and the State.

2. Writ petition has been filed for a direction to the respondents to consider the grievance of the petitioner and grant the Matric trained Pay Scale upon completion of three years of regular service from the date of appointment with all consequential benefits for which the petitioner is legally entitled to.

3. Learned counsel for the petitioner submits that initially petitioner was selected and appointed as Assistant Teacher on compassionate ground under the provisions of Appointment Rule, 1991 in terms of the decision taken by the



Compassionate Committee Vide Memo No. 1220 dated 5/4/1994 as Untrained Teacher by the District Superintendent of Education, Muzaffarpur and pursuant thereto, petitioner joined as Assistant Teacher (Untrained) on 6/4/1994 in the Middle School, Chhap, Paroo in Muzaffarpur District and started to work regularly. Subsequently, as per the terms of appointment and Government Circular, petitioner was although sent for In-service Teachers Training Course the Session 1999-2000. But despite completion of training course, neither training examination was conducted within time nor result of training was issued in favour of the petitioner for several years. Learned counsel submits that due to the laches on the part of the Respondent authorities, several years neither the examination of training course could be conducted nor the petitioner was given the benefits of Matric Trained Pay Scale on the basis of higher qualification in terms of the Government Circular. Subsequently, upon the direction of this Hon'ble Court issued in **L.P.A No. 412 of 2003 (Chandrakant and others Versus the State of Bihar and others)** the training examination of the petitioner and other similar persons were conducted. The petitioner appeared in the examination and declared successful in June 2009. Only thereafter, petitioner was given Matric Trained Pay Scale with



effect from 4/11/2009 from the date of publication of result. Several other similar persons who have been sent for and have completed the training course and appeared in the training examination and declared successful they have been granted the benefits of Matric Trained Pay Scale right from 1/10/2003, but the petitioner and some other similar persons have not been allowed to complete the training course within three years despite persistent request and as such they have been denied the benefits of matric trained pay scale from an earlier date or at least with effect from 1/10/2003.

4. It is submitted on behalf of the petitioner that there is no laches on the part of the petitioner rather on account of the lapses on the part of the respondents authorities the petitioner has been compel to suffer as he has not been allowed to complete the In-service Training Course within three years of appointment in terms of the Government Circular as well as appointment letter despite request. In this regard, reference is made to the order passed by a co-ordinate bench of this Court in C.W.J.C No. 7322 of 2017 (Abdus Samad's case) disposed of on 11/4/2018.

5. In view of the above, the writ petition is disposed of with direction to the respondents to consider the case of the



petitioner for grant of matric trained scale on completion of 3 years from the date of joining of the petitioner as he cannot be faulted in the matter of non-sending the petitioner for service training. Necessary decision in this regard may be taken by the respondents within a period of two months from today and consequential benefit should be extended to the petitioner within a further period of two months from the date of such decision.

Shashi

(Prabhat Kumar Singh, J)

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