

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10923 of 2021

1. Rewati Kant Singh Son of Late Ram Yatan Singh Resident of Village- Rupaspur, Post- sahai Nagar, Police Station- Rupaspur, District- Patna
2. Binay Kumar singh Son of Sh. Shambhu Sharan Singh resident of village and Post- Nargada, Police Station- Shahpur, District- Patna
3. Shivnath Sharma Son of Late Chandra Singh resident of village- Saguni, Post- Rema, Police Station- Masaurih, District- Patna
4. Devnath Rai Son of Late Raj Balam Rai Resident of village- Khaspur, Post Daudpur, Police Station- Maner, District- Patna
5. Dhupneshwar Pandey Son of Late Girijanand Pandey resident of village- Mainpur Anda, Post- Neura, Police Station- Phulwari, District- Patna
6. Abhimanyu Prasad Son of Late Hari Saw resident of village- Andari, Post- Jaitiya, Police Station- Ratuha (Gaurichak), District- Patna

... .. Petitioner/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 District Magistrate, Patna
4. The Regional Deputy Director of Education, Patna
5. The District Education Officer, Patna
6. The District Programme Officer (Establishment) Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-03-2025

Heard Mr. Manoj Kumar, learned counsel
appearing on behalf of the petitioners and Mr. Prabhakar Jha,
learned GP-27 for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is



reproduced hereinafter:

"I) For issuance of writ in the nature of mandamus directing the respondents to grant the matric trained scale to the petitioners with consequential benefit from the date they are eligible to maintain the parity in the pay scale with juniors which has been granted to them in compliance of the several orders of this Hon'ble Court.

II) For any other relief/reliefs, for which the petitioners are entitled for and/or in the interest of Justice."

3. Learned counsel appearing on behalf of the petitioners submitted that petitioners no. 1 to 4 were selected for appointment to the post of Assistant Teacher under PH Category in the year 1981-82 in untrained scale, petitioner no. 5 was appointed on compassionate ground on 20.01.1988 on the basis of recommendation of the District Compassionate Committee, Patna dated 05.05.1987 and petitioner no. 6 was appointed under PH category by the competent authority on 16.11.1981 and all the petitioners had given their joining in the respective Government Shools and are imparting education without any adverse remarks. In the appointment letters, it was categorically mentioned that it is mandatory to complete the training within two years from the date of the appointment on self-bearing expenses at the government training colleges as allotted to the petitioners. He further submitted that though the list was prepared for sending the petitioners in service training but the



same was implemented after ten years of their services and accordingly the petitioners, after obtaining the in service training declared successful and in respect of relevant dates of entitlement and the date of passing in service training, he has given information in paragraph no. 6 of the writ petition in tabular form, which are reproduced hereinafter:

Sl. No.	Name of petitioner	Date of entitlement of trained scale	Date of passing the in service training
1	Rewati Kant Singh	06.4.1984	14.10.1993
2	Vinay Kumar Singh	06.4.1984	14.10.1993
3	Shivnath Sharma	06.4.1984	17.04.1995
4	Devnath Rai	06.4.1984	17.04.1995
5	Dhupneshwar Pandey	10.01.1990	20.06.2005
6	Abhimanyu Prasad	17.11.1983	17.04.1995

4. Learned counsel further submitted that the case of the petitioner is covered by a decision of Division Bench of this Court passed in case of ***Chandrakant & Ors. vs. the State of Bihar and Ors.*** reported in ***(2010) 4 PLJR 732*** and other analogous cases.

5. Considering the aforesaid submissions made on behalf of the petitioners, the authority concerned is directed to consider the case of the petitioners in light of the judgment of the Division Bench of this Court passed in *Chandrakant (Supra)*, particularly in light of paragraph no. 30 of the aforesaid judgment, which *inter alia* is reproduced hereinafter:



"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."

6. Subsequently, the judgment passed by the Division Bench in ***L.P.A. No. 1409 of 2017 (Raj Narain Singh & Ors. vs. the State of Bihar & Ors.)***, wherein the Division Bench has also taken note of the development which has taken place in light of the *Chandrakant (Supra)* and has held that paragraph no. 4(i) of the Resolution No. 12 dated 05.01.2015 of the Education Department is in teeth of the Division Bench



Judgment passed in *Chandrakant (supra)*. The petitioners are also entitled for the similar relief in light of order dated 10.12.2018 in *Raj Narain Singh (Supra)*.

7. The petitioners, if so advised, may file a detailed individual representation before the District Education Officer, Patna for taking corrective measures in light of the law laid down by this Court in the cases as noted above.

8. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	24.03.2025
Transmission Date	N/A

