

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10943 of 2024

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1. Dilip Kumar Das Son of Late Thakur Das Resident of Mohalla- Alampur, Tilak Nagar, P.S- Nadi Thana, P.O- Kachchi Dargah, District- Patna.
 2. Paritosh Anand Son of Late Suresh Sah resident of Village Tangaul (Kadam Ghat), P.S- Hazipur, District- Vaishali.
 3. Sukesh Kumar Son of Late Baleshwar Prasad Batuk Resident of Village/Muhalla- Nayagaon Makra, P.S- Nayagaon, District- Saran.
 4. Shyam Shankar Son of Late Jay Narayan Choudhary Resident of Village Totahan, P.O- Purkhauli, P.S- Lalganj, District- Vaishali.
 5. Ajay Kumar Son of Late Yogendra Rai resident of Village- Bawan Ghat, P.O- Adalpur, P.S Mahua, District. Vaishali.
 6. Jitendra Ram Son of Jai Mangal Ram, Resident of Villatge- Birpur Singhara, P.O- Singhara, Block- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Vaishali at Hazipur
4. The District Programme Officer (Establishment), Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC- 3
		Mr. Bipin Kumar, AC to SC- 3

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-10-2025

Heard the parties.

2. The petitioners have approached this Court seeking a
direction upon the respondent authorities to consider their



grievance and grant trained pay scale to them after completion of three years of regular service from the date of appointment with all consequential benefits for which the petitioners are entitled under law.

3. Learned Advocate for the petitioners referring to the Bench decision of this Court in C.W.J.C. No. 7322 of 2017 has submitted that the identical issue has come up for consideration before this Court and the Court having considered the fact that there is no lapses on the part of the petitioners as they were not sent for in service training earlier and as such they cannot be made to suffer on account of lapse of the respondents, directed to consider the case of the petitioners for grant of Matric trained scale on completion of three years from the date of joining of the petitioners.

4. The aforementioned decision has been placed on record as Annexure-P/4. Learned Advocate for the petitioners further contended that the identically situated persons have approached this Court in C.W.J.C. No. 14553 of 2023 wherein the Court having taken note of the grievance has relegated the matter to the District Education Officer, Vaishali at Hajipur to consider their claim and pass necessary orders, in the light of above referred decision.



5. Learned Advocate for the State referring to the counter affidavit has submitted that the reliance of the petitioner in the case of **Abdus Samad Vs. The State of Bihar & Others (C.W.J.C. No. 7322 of 2017)** does not cover the case of the petitioner, it was precisely on the ground that in the appointment letter of the said **Abdus Samad**, a condition had been incorporated for being sent for training within three years of appointment, whereas the case of the petitioners are completely distinguishable, as no such condition stating to be sent for training stood mentioned in the order of appointment.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the Bench decision of this Court in C.W.J.C. No. 7322 of 2017, which came to be disposed of on 11.04.2018, the present writ petition stands disposed of with liberty to the petitioners to approach before the respondent Nos. 3 and 4 along with the aforementioned decisions, preferably within a period of four weeks from today.

7. In case, such representation is filed, the same shall be considered and disposed of in accordance with law, within a further period of eight weeks.

8. Suffice it to observe that if the claim of the petitioners



finds favour, necessary order for monetary benefit shall also be passed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2025
Transmission Date	NA

