

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13139 of 2024

1. Uday Kumar Pandey, Son of Late Bihari Pandey, Resident of Village- Parsauna, Police Station- Ramagarh Chowk, District- Lakhisarai, presently posted as Assistant Teacher in Middle School, Halsi, Block- Halsi, District- Lakhisarai.
2. Ashok Kumar, Son of Late Yamuna Prasad Singh, Resident of Village- Mohian Police Station- Halsi, District- Lakhisarai, presently posted as Assistant teacher in Middle School, Pratappur, Block- Halsi, District- Lakhisarai.
3. Tripurari Pandey, Son of Late Gaya Pandey, Resident of Village- Ghoghi Police Station- Piri Bazar, District- Lakhisarai, presently posted as Assistant teacher in Primary School, Losghani Musahri, Block- Suryagarha, District- Lakhisarai.
4. Shailendra Kumar Singh, Son of Late Rajendra Prasad Singh, Resident of Village- Mesaurha, Post office- Kaiyar, Police Station- Chandradeep, District- Jamui, Presently posted as Assistant Teacher in Middle School, Ballopur, Block- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General 12

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-08-2025

Heard the parties.

2. The petitioners, who were duly appointed on
compassionate ground against the post of Assistant Teacher in
the pay scale of Rs.3050-4590/- long back in the year 2000-



2003, have approached this Court seeking a direction upon the respondents to consider their claim for grant of Matric trained scale on completion of three years of joining and further senior pay scale after completion of twelve years of service as well as consequential monetary benefits.

3. Learned Advocate for the petitioners submitted that the petitioners in no circumstances can be said to be faulted for not sending them for training within three years of their appointment, on account of any fortuitous act, which is not within their domain.

4. It is submitted that identical issue has come up for consideration before this Court in **Abdus Samad Vs. the State of Bihar & Ors. (C.W.J.C. No. 7322 of 20217)** wherein a Bench of this Court vide order dated 11.04.2018 has been pleased to dispose off the writ petition, as follows:

“Considering the judgment of the Hon’ble Chief Justice Chagala of Bombay High Court in the case of All India Groundnut Syndicate Ltd. Vs. Commissioner of Income Tax reported in AIR 1954 Bom.232 the court is of the view that petitioner cannot be made to suffer on account of lapse of the respondents in belatedly sending the petitioner for in service training, the respondents are required to consider the case of the petitioner and it is found that the petitioner



has passed the training at the first instance, the interest of the petitioner should be protected. In view of the judgment of the Bombay High Court in All India Groundnut (Supra) as well as the decision of the Apex Court on similar line reported in AIR 1989 SC 1133.

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 sixty days and consequential benefit should be extended to the petitioner within a further period of one month from the date of such decision.”

5. It is further contended that other identically situated persons have also approached this Court and their cases have also been disposed of in terms of **Abdus Samad** case (supra). In pursuant to the order of this Court, the claim of the identically situated persons were duly considered and they have been extended the benefit of Matric trained scale on completion of three years from the date of their joining, as also the senior pay scale after completion of twelve years of service. To support the aforesaid contention, further reliance has also placed on a



decision rendered by a coordinate bench of this Court in C.W.J.C. No. 5683 of 2019 (Chandan Kumar & Ors. Vs. The State of Bihar & Ors.), which came to be disposed of on 27.03.2019, the copy of which marked as Annexure-3/1 to the writ petition.

6. A counter affidavit has been filed on behalf of respondent nos. 3 and 4. Learned Advocate for the State taking this Court through the averments made in para. 6 of the counter affidavit contended that the claim of the petitioners is misconceived in view of the decision of this Court in L.P.A. No. 412 of 2003 dated 23.09.2010, as also the decision rendered in C.W.J.C. No. 8032 of 1999 and further in C.W.J.C. No. 10877 of 2002.

7. This Court, *prima facie*, is not satisfied with the averments made in the counter affidavit, as there is no consideration of the claim of the petitioners in the light of the judgments, rendered in identically situated persons, referred by the learned Advocate for the petitioners.

8. Having considered the submissions set forth by the learned Advocate for the respective parties, this Court in order to give quietus to the litigation, deems it proper to dispose of the writ petition with a direction to the District Programme



Officer (Establishment), Lakhisarai to consider the claim of the petitioners in the light of the aforementioned decision, especially the decision rendered in the case of **Abdus Samad** (supra) **(C.W.J.C. No. 7322 of 20217)** as also in **Chandan Kumar** (supra) **(C.W.J.C. No. 5683 of 2019)** preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

9. Suffice it to observe that if the claim of the petitioners finds favour and identical to those of writ petitioners, referred hereinabove, similar relief be extended to the petitioners.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2025
Transmission Date	NA

