
(2008) 02 PAT CK 0126
In the Patna High Court
Case No : LPA No. 902 of 2007

Smt. Shakuntala Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 12-02-2008

Acts Referred:

Citation : (2008) 2 PLJR 661

Hon'ble Judges : Rajesh Balia, C.J;Barin Ghosh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. This appeal is directed against the order of the learned Single Judge dismissing the writ petition filed by the writ petitioner-appellant whereby under the petitioner-appellant had prayed for payment of salary for the period she had undergone higher nursing training in Lady Reading School in Delhi while she was employed at Nalanda Medical College Hospital. The petitioner-appellant has been denied the salary and other benefits for the period during which she underwent higher nursing training by not treating it to be on deputation because of the statement made by her that she is willing to take the nursing training without salary for the period.

2. However, we find that in very much similar circumstances, similar issue has come for consideration before the Division Bench wherein the question arose whether the nursing staff which were permitted to take higher nursing training in M.I.B.E. Graduate School at Indore could be treated on deputation or was required to apply for study leave for the period they had undergone the training.

3. The Court finding that the Government has sometime treated the similar training period as on deputation and sometime not, has held that in similar cases differential treatment cannot be allowed in the matter of permitting the nursing staff in service to take higher nursing training for rendering better services in future and has directed the State to treat such period as a period spent on

deputation with entitlement to emoluments for the said period.

4. In that view of the matter, following the decision dated 17.7.1991 rendered in CWJC No. 5165/1990 by the Division Bench of this Court, this appeal is allowed.

5. The impuged order dated 10.8.2007 of the learned Single Judge is set aside. The respondents are directed to pay the admissible emoluments to the petitioner-appellant for the period during which she had undergone higher nursing training the same as the period spent on deputation. No costs.