

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1981 of 2020

1. Mohammad Sohel Anwar son of Md. Jamil Ahmad, resident of villagr- Ward No. Moglaha, PO and PS- Banaili Moglaha, District- Purnia.
2. Rajesh Kumar Bishwas, son of Dinesh Bishwas, resident of village- Kohbar and Ramnagar, PS- Banaili, District- Purnia.
3. Sanjay Kumar Mandal, son of Manraj Prasad Mandal resident of village- Katha Kalha, PO and PS- Banaili, District- Purnia
4. Anita Kumari Daughter of Surendra Prasad Singh resident of village- Ward no.5, Sipahi Tola, PS- Madhubani Disreict Purnia
5. Anita Thakur, wife of Jai Kishor Kumar Thakur, resident of village- Mehta Tola, PS- Madhubani, District- Purnia.
6. Kumari Kanchan Wala wife of Mukesh Kumar, resident of village- Prasadpur Rampur, PS- Banaili, District- Purnia
7. Bibha Sinha, wife of Kumar Gaurab, resident of village- Jagni Jagarnathpur, PS- Banaili, District- Purnia
8. Asita Kumari wife of Dilip Kumar Jha, resident of village- B.K.Sthan Marja, PS- Mariga (Sahara), Purnia
9. Anjani Kumari, wife of Binod Kumar Yadav, resident of village- Milki, Po- Gokupur PS- K. Nagar, District- Purnia.
10. Aradhana Kumari, wife of Satya Prakash Kuwaha, resident of village- Ward no. 04, Shantinagar, PS- Madhubani, District- Purnia.
11. Nirmal Kumar Paswan son of Umesh Chandra Paswan resident of villagr- Harchandrapur, PS- Jalalgarh, District- Purnia
12. Sanjeev Lochan, son of late Raghu Nath Thakur, resident of village- Purnia Court, PS- Purnia Sadar, District- Purnia
13. Vikash Kumar Mishra, son of Binod Kumar Mishra, resident of village- Rahua Bramhan Tola, PS- K. Nagar, District- Purnia
14. md. Afzal Alam, son of Md. Yakub, resident of village- Ward no. 02, Rusabari, PO- Mijgawan PS- Dagrua, District- Purnia
15. Sangit Anand, son of Chulhai Mahto, c/o Raj Kumar Mahto, resident of village- Shivaji Colony, PS and District- Purnia

... .. Petitioners

Versus

1. The State of Bihar through the Additional Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna
3. The Regional Deputy Director of Education Purnia
4. The District Education Officer, Katihar
5. The District Program Officer (Establishment), Katihar

... .. Respondents



Appearance :

For the Petitioners : Mr. Sheel Bhadra Jha, Advocate
For the Respondents : Mr. Madhaw Pd. Yadav GP23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The issue raised in the present writ petition is no more
res integra. Similar issue was decided by this Court in CWJC
No. 16165 of 2019.

In order to maintain consistency, the present writ
petition is disposed of in terms of the order dated 09.08.2019
passed in CWJC No. 16165 of 2019. The relevant part of the
order runs as under:-

“Considering the aforesaid, the writ petition is disposed of with a direction to the Director, Primary Education to consider the case of the petitioners and grant the benefit from the date of completion of training to the petitioners as the lapses on the part of the respondents cannot be a ground to deny the benefit of trained pay scale. It is now well settled that one cannot take advantage of his own wrong in defeating the genuine claim. Chief Justice Chhagla of Bombay High Court in the case of All India Groundnut Syndicate Ltd. Vs. Commissioner of Income Tax, Bombay City: AIR 1954 Bom. 232 has occasion to settle the principle on the similar line there is judgment of the Apex Court in the case of State of Maharashtra Vs. Jagannath Achyut Karandikar: AIR 1989 SC 1133. The respondents have to take decision granting



benefit of trained scale to the petitioners with effect from the date of completion of their training i.e. May, 2017. Necessary decision in this regard with all consequential monetary benefits must be taken by the Director, Secondary Education within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.”

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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