

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1397 of 2020

1. Randhir Kumar Sahni Son of Dinesh Sahni, Resident At Dhakjari, P.O.- Ahiyapur, P.S.- Mansurchak, District- Begusarai, Pin- 851111, (Bihar), Presently Posted At Primary School Jhamatiya, P.O. and P.S.- Bachhwara, District- Begusarai (Bihar).
2. Gunjan Kumari, Wife of Nirmal Kumar, Resident of Village- Korai, Block- Gadhpura, District- Begusarai, presently posted at U.M.S. Rani East, Bachhwara, Begusarai.
3. Indu Devi, At and P.O. Drubgama, P.S. Kalyanpur, District Samastipur Pin 848302, Presently Posted at P.S. Narepur Chatti P.O. and P.S. Bachhwara, Begusarai.
4. Mukesh Kumar Singh, Resident At Sahit, P.O. Vidhyapati Nagar, District Samastipur, 848503 (Bihar), Present posted at M.S. Chamtha Barkhut, P.O. Barkhut, Via Bachhwara, District- Begusarai, 851111.
5. Amna Parveen, Wife of Md. Ali Hussien, Resident At Gurdaspur, P.S.- Mansurchak, District- Begusarai, 851128, Present posted At Middle School Jahanpur, P.O. and P.S.- Bachhwara, District- Begusarai.
6. Rajesh Sah, Son of Raj Kishor Sah, Resident At Jhamatiya Block Campus P.O. and P.S.- Bachhwara, District- Begusarai Presently posted at Middle School Maranchi, At Maranchi P.O.- Maranchi, P.S. Bachhwara, District- Begusarai Mob- 8294670191.
7. Sarojini Mahato, Wife of Rajesh Kumar, Resident At Bank Bazar, Bachhwara, P.O. and P.S.- Bachhwara, District- Begusarai, At Presently posted At U.M.S. Urdu Arba, P.O. O. and P.S.- Bachhwara, District- Begusarai.
8. Mantun Sada, Son of Sukhdeo Sada, Resident At Jahanpur, P.O.- Bachhwara, P.S.- Bachhwara, District- Begusarai, Pin- 851111, Presently posted at M.S.- Jahanpur At Jahanpur P.O. O. and P.S.- Bechhawara, District- Begusarai.
9. Rina Kumari, wife of Rajesh Kumar, Resident At and P.O.- Shahpur Undi, P.S.- Patory, District- Samastipur, Pin- 848504, Presently posted at U.M.S. Lodiya, Bachhwara, Begusarai.
10. Usha Kumari, Wife of Roshan Ram, Resident at Jaypatti, P.O. and P.S.- Dalsinghsarai, District- Samastipur, Pin- 848114, Presently posted at M.S. Gorapur, Block- Bachhwara, District- Begusarai.
11. Raj Shree, Wife of Ashok Bharti Resident At Jhamatiya, P.O. and P.S.- Bachhwara, District- Begusarai, Present posted at Bhagwanpur, Diyara, Bachhwara.
12. Mintu Kumari, Wife of Kundan Kumar Jha, Resident of At Narepur Ayodhyatol, P.O. Bachhwara, District- Begusarai, Pin- 851111, Presently posted at U.M.S. Narepur Ayodhyatol, P.O.- Bachhwara, District- Begusarai, Pin- 851111.
13. Darekhasham Begam, Wife of Jakir Ahmad, P.O. Dalsingh Sarai, District- Samastipur, Pin- 848114, Presently Posted at Pimary School- Pamariya Tola, Rasidpur, Bachhwara, Begusarai.



14. Shirin Bakhsh, Wife of Rustam Ansari, Resident of At and P.O. Rudauli, P.S. Bachhawara, District- Begusarai, Pin 851111, Present posted at Primary School- Khetapur Muslim Tol Rudauli, At and P.O. Rudauli, P.S. Bachhwara, District Begusarai.
15. Md. Inam Ahmad, Son of Abul Kalam, Resident at and P.O.- Lakhminia, P.S. Baliya, District Begusarai, Presently posted at Primary School Shishwa Bachhwara, At P.O. and P.S. Bachhawara, District Begusarai, Pin- 851111.
16. Shiva Devi, C/o Manoj Kumar, Resident at Wazidpur, P.O.- Wazidpur, P.S. Vidyapati Nagar, District- Samastipur, Pin- 848503, Presently Posted At M.S.- Chamtha Goptol, Block- Bachhwara, District Begusarai.
17. Rajeev Kumar Mishra, Son of Umakant Mishra, Resident At and P.O.- Chamtha Barkhut Via- Bachhwara, District- Begusarai, Pin 851111, Presently posted at M.S. Chamtha Goptol, P.S. Barkhut, Via- Bachhwara, District Begusarai.
18. Rakesh Kumar, Son of Kusheshwar Mahto, Resident At and P.O.- Garhsisai, District- Samastipur, Pin- 848503, Presently Posted At M.S.- Chamtha Goptol, P.O.- Barkhut, Via- Bachhwara, District- Begusarai.
19. Masood Alam Siddique, Resident At and P.O.- Banghora, Via- Dalsinghwarai, P.S.- Ghatho, District- Samastipur, Pin- 848114, Presently posted at Primary School Rajapur Ragho At Chiranjipur, P.O. Rashidpur, P.S.- Bacchwara, District- Begusarai.
20. Nirmala Kumari, Wife of Ramanand Yadav, Resident at Narepur, West P.O. and P.S.- Bachhwara, District Begusarai, Pin- 851111, Present posted at Primary School Narepurl Jokaha, P.O. and P.S.- Bachhwara, Block- Bachhwara, District Begusarai.
21. Neetu Kumari, Wife of Shivnath Mahato, Resident At Narepur West, P.O. and P.S.- Bachhwara, District Begusarai, Pin- 851111, Present posted at Primary School Azad Nagar Bachhwara, Begusarai.
22. Md. Mursalim, Son of Md. Manjoor Ahmad, Resident At Alamchak, P.O. and P.S.- Manshurchak, District Begusarai, 851128, Presently posted at Primary School Shishwa Bachhwara, At and P.O. and P.S. Bachhwara, District Begusarai.
23. Farhat Jahan, Wife of Md. Asad Hussain, Resident At Bank Bazar Bachhwara, P.O. and P.S. Bachhwa, District- Begusarai, 851111, Presently posted at U.M.S. Urdu Arba, P.O. and P.S.- Bachhwara, District Begusarai.
24. Afsana Khatoon, Wife of Md. Sadik Resident At Bank Bazar Bachhwara, P.O. and P.S.- Bachhwara, District Begusarai, 851111, Presently posted at Urdu Primary School Jahanpur, Bahrapur, Bachhawa.
25. Ravi Shankar, Son of Ra Sharekh Ray, Resident At n/o Chamtha, P.O.- Barkhut Chamtha, P.S.- Bachhwara, District Begusarai, 851111, Presently posted at Primary School Vishanpur, Ranitol Diyara, Block- Bachhwara, District Begusarai.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.



2. The Finance Secretary, Finance Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Begusarai.
5. The District Education Officer, Begusarai.
6. The District Programme Officer (Establishment), Begusarai.
7. The Block Education Officer, Bachwara, Begusarai.

... .. Respondents

Appearance :

For the Petitioners : Mr. Shashi Shekhar Tiwary,
Mr. Prabhat Ranjan Singh, Advocates
For the Respondents : Mr. Subash Chandra Mishra SC16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-02-2020 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Learned counsel for the petitioners submits that the
case of the petitioners is squarely covered by the order dated
09.08.2019 passed in CWJC No. 16165 of 2019 (**Kishor
Kumar & others Vs. The State of Bihar & others**).

The relevant part of the order dated 09.08.2019 passed
in CWJC No. 16165 of 2019 is quoted hereinbelow:-

*“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.”

In view of the observations made in the order dated 09.08.2019 passed in CWJC No. 16165 of 2019, the present writ petition is also disposed of in the similar terms.

(Anil Kumar Upadhyay, J)

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