

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2769 of 2020

1. Brij Mohan Prasad Son of Fulena Prasad Resident of Village and Post- Mahamada, P.S.- Garkha, District- Saran, Pin- 841301, Presently posted as Block Teacher at Upgraded Middle School Chhitraul Block Nagra, District- Saran.
2. Ashok Kumar Yadav Son of Udai Shankar Yadav Village- Bada Takiya, P.O.- Khodaibag, P.S.- Khairah, District- Saran, Pin- 841415, Presently posted as Panchayat Teacher at Primary School Hariharpur Kanar, Dumari, Block Nagra, District- Saran.
3. Manoj Kumar Ram Son of Moti Chand Ram Village and P.O. and P.S.- Khairah, District- Saran, Pin- 841414, Presently posted as Block Teacher at Upgraded Middle School Kadipur Block Nagra, District- Saran.
4. Md Noor Alam Son of Md. Zahoor Resident of Village and Post- Afour, P.S.- Khairah, District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Primary School Afour Block- Nagara, District- Saran.
5. Abul Hasan Ansari Son of Kamaluddin Ansari Resident of Village and Post and P.S.- Kopa, District- Saran, Pin- 841214, Presently posted as Block Teacher at Urdu Middle School, Kopa, Block Jalalpur, District- Saran.
6. Deolal Das Son of Lalchand Das Resident of Village- Chandan Pur, Post- Rampur Kala, P.S.- Khairah, District- Saran, Pin 841414, Presently posted as Panchayat Teacher at Kanya Primary School Rampur Kala Block- Nagra, District- Saran.
7. Bijendra Kumar Manjhi Son of Krishna Manjhi Resident of Village- Chakasaraf, Post- Khodai Bagh, P.S.- Khairah, District- Saran, Pin 841415 Presently posted as Panchayat Teacher at Primary School Paharpur, Block Nagra, District- Saran.
8. Sanjeet Kumar Son of Chandradeep Manjhi Resident of Village- Ratanpura Near D.N. Temple, Bank Colony, P.O. and P.S.- Bhagwan Bazar, District- Saran, Pin- 841301 Presently posted as Block Teacher at Upgraded Middle School Kalupur Block Nagra, District- Saran.
9. Rabindra Kumar Ram Son of Rameshwar Ram Resident of Village and Post Narharpur, P.S.- Marhowrah, District- Saran, Pin- 841443, Presently posted as Block Teacher at Upgraded Middle School Ramachaura Block Nagra, District- Saran.
10. Vijeta Kumari Wife of Atul Kumar Srivastava Resident of Village- Baidupur, Post- Affour, P.S.- Khairah, District- Saran Pin- 841414, Presently posted as Block Teacher at Upgraded Middle School Saidupur, Block- Nagra, District- Saran.
11. Mala Kumari Wife of Shailendra Kuamr Ray Resident of Village- Darsharan Nagar Chapra, Post- Chapra, P.S.- Town Thana, District- Saran, Pin- 841302, Presently posted as Block Teacher at Upgraded Middle School Kadipur Block Nagra, District- Saran.
12. Roushan Ara Wife of Saheb Hussain Resident of Village and Post- Khodaibag, P.S.- Khairah, District- Saran, Pin- 841415, Presently posted as Block Teacher at Upgraded Middle School Chakasarf, Block- Nagra,



District- Saran.

13. Raj Kishor Sah Son of Shyam Sundar Sah Resident of Village- Siswa Rasulpur, Post- Nagra, P.S.- Marhowrah, District- Saran, Pin 841442, Presently posted as Panchayat Teacher at Navsrijit Primary School Bhadariya Block Nagra, District- Saran.
14. Kavita Kumari Wife of Raman Prakash Resident of Village and Post- Nakati Devi Road Dighawara, P.S.- Dighawara, District- Saran, Pin 841207, Presently posted as Block Teacher at Upgraded Middle School Baranpura, Block Nagra, District- Saran.
15. Anita Devi Wife of Ashok Kuamr Ram Resident of Village- Sandha Jatahi Pokhra Chapra, Post- Sandha, P.S.- Chapra, Muffassil, District- Saran, Pin 841301, Presently posted as Block Teacher at Upgraded Middle School Baranpura Block Nagra, District- Saran.
16. Nasima Khatoon Wife of Firoz Alam Resident of Village and Post- Afour, P.S.- Khairah District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Urdu Primary School Afour Block Nagra, District- Saran.
17. Jabida Khatun Wife of Shamshad Ahamad Resident of Village and Post and P.S.- Khairah, District- Saran, Pin- 941414, Presently posted as Block Teacher, At Middle School Khairah, Block Nagra, District- Saran.
18. Julekha Khatun Wife of Md. Israfil Ansari Resident of Village- Kadipur Tole, Nabiganj, Post- Nagra, P.S.- Khairah, District- Saran, Pin 841442, Presently posted as Panchayat Teacher at Primary School Koreya, Block Nagra, District- Saran.
19. Mamata Kumari Giri Wife of Purushottam Giri Resident of Village Rampur Mathiya, Post- Khairah, P.S.- Khairah, District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Navsrijit Primary School Affour Bajarangbali, Public Nagra, District- Saran.
20. Saroj Kumari Wife of Rajeev Kumar Resident of Village and Post- Berui, P.S.- Baniyapur, District- Saran, Pin- 841403, Presently posted as Panchayat Teacher at Primary School Parsa, Block Ishuapur, District- Saran.
21. Mandeep Kumar Ray Son of Ramaihwar Ray Resident of Village and Post- Dholahi Khithal, P.S.- Amnaur, District- Saran, Pin 841402, Presently posted as Panchayat Teacher at Navsrijit Primary School Bhadariya Block- Nagra, District- Saran.
22. Sunita Kumari Daughter of Ramnath Singh Resident of Village and Post- Affour, P.S.- Khairah, District- Saran, Pin 841414, Presently posted as Block Teacher at Upgraded Middle School Ramachawara Block Nagra, District- Saran.
23. Sharda Kumari Daughter of Rajendra Singh Resident of Village and Post- Affour, P.S.- Khairah, District- Saran, Pin 841414, Presently posted as Block Teacher at Upgraded Middle School Ramachawara, Block Nagra, District- Saran.
24. Anuradha Kumari D/o Rambihari Yadav Resident of Village- Revelganj, Post- Revelganj, P.S.- Revelganj, District- Saran Pin 841305, Presently posted as Block Teacher at Upgraded Middle School Ramachaura, Block Nagra, District- Saran.



25. Renu Kumari Wife of Rakesh Kuamr Gupta Resident of Village and Post Santa Saidpura, P.S.- Awatarnagar, District- Saran, Pin 841216 Presently posted as Block Teacher at Upgraded Middle School Baranpura, Block Nagra, District- Saran.
26. Arun Kumar Bhakta Son of Dinanath Bhakta Resident of Village- Paterha, Post- Tujarpur, P.S.- Nagra, District- Saran, Presently posted as Panchayat Teacher at Navsrijit Primary School Shahpur Vargi Tola, Block Nagra, District- Saran.
27. Shamdhu Nath Manjhi Son of Kesav Manjhi Resident of Village Majlishpur, Post- Bhainsmara, P.S.- Garkha, District- Saran Pin 841311, Presently posted as Panchayat Teacher at Primary School Dharpur, Block Nagra, District- Saran.
28. Rajeev Kumar Son of Rajendra Ray Resident of Village- Koreya Maya Tola, Post and P.S.- Khairah, District- Sara, Pin 841414, Presently posted as Panchayat Teacher at Primary School Gang Saragatti, Block Nagra, District- Saran.
29. Rita Kumari Wife of Sachidanand Sharma Resident of Village and Post- Kakadhiya, P.S.- Khairah, District- Saran, Pin 841414, Presently posted as Panchaut Teacher at Primary School Gangsargtti Block- Nagra, District- Saran.
30. Shanti Kumari D/o Sachidanand Prasad Resident of Village and Post Kharika, P.S.- Sonpur, District- Saran, Pin 841101, Presently posted as Panchayat Teacher at Primary School Hariharpur Kanar Dumari, Block Nagra, District- Saran.
31. Rinku Kumari D/o Sudarshan Mahto Resident of Village Faradpura, Post Nagra, P.S.- Khairah, District- Saran, Pin 841442 Presently posted as Panchayat Teacher at Primary School Hariharpur Kanar, Dumari, Block Nagra, District- Saran.
32. Kanti Kumari D/o Sachidanand Paswan Resident of Village and Post Kharika, P.S.- Sonpur District- Saran, Pin 841101, Presently posted as Block Teacher at Upgraded Middle School Chakasarf, Block Nagra, District- Saran.
33. Madhulata Srivastava D/o Sidheshwar Prasad Srivastava Resident of Village and Post- Hariharpur Kanar, P.S.- Khairah, District- Saran, Pin 841414, Presently posted as Block Teacher at Upgraded Middle School Khalispur, Gaura, Block Marhaura, District- Saran.
34. Jai Prakash Sharma Son of Vishwanath Sharma Resident of Village and Post Pirauna Dih, P.S.- Garkha, District- Saran, Pin 841302, Presently posted as Panchayat Teacher at Primary School Sarwadih, Block- Garkha, District- Saran.
35. Yusuf Azad Son of Md. Fida Hussain Resident of Mohalla Salempur, Post- Chapra, P.S.- Chapra, District- Saran Pin- 841301, Presently posted as Block Teacher at Upgraded Middle School Mubarakpur, Block Garkha, District- Saran.
36. Sunil Kuamr Prasad Son of Dinesh Prasad Ward No. 09 Binda Sah Ki Gali, Village and Post Revelganj, District- Saran, Pin 841305, Presently posted as Block Teacher at Upgraded Middle School Sargatti, Block Garkha, District-



Saran.

37. Dharmendra Kumar Sah Son of Ram Vinay Sah Resident of Village and Post Mahamada, P.S.- Garkha, District- Saran, Pin 841301, Presently posted as Panchayat Teacher at Navsrijit Primary School Mangaltola Mahamada Block- Garkha, District- Saran.
38. Kumari Pushplata D/o Dineshwar Prasad Singh Resident of Village Mainpuri, Post- Dewaria, P.S.- Awatarnagar, District- Saran, Pin- 841225, Presently posted as Block Teacher at Upgraded Middle School Madanpur, Block Garkha, District- Saran.
39. Shilpa Kumari D/o Akhileshwar Prasad Singh Resident of Village Manpur (Gamahriya) Post- G.S. Bangra, P.S.- Jalalpur, Pin 841412, Presently posted as Block Teacher at Upgraded Middle School Dumari, Block Nagra, District- Saran.
40. Rita Kumari D/o Bakelal Prasad Resident of Village- Bari Dhobwal Post- Dhobwal, P.S.- Jalalpur, District- Saran, Pin 841412, Presently posted as Block Teacher at Upgraded Middle School Dumari, Block Nagra, District- Saran.
41. Savitri Kumari D/o Jagnarayan Prasad Yadav Resident of Village- Hasanpurwa, Post- Chanchaura, P.S.- Muffashil, District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Kanya Primary School Govindpur, Block Nagra, District- Saran.
42. Rifat Parveen Wife of Arif Khan Resident of Village and Post- Manpur, P.S.- Khairah, District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Kanya Primary School Govindpur, Block- Nagra, District- Saran.
43. Jitendra Kumar Mahto Son of Ramsevak Mahto Resident of Village- Loha tola, Post and P.S.- Khairah, District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Kanya Primary School Kakdhiya, Block Nagra, District- Saran.
44. Jawed Alam Ansari Son of Mohammad Yusuf Ansari Resident of Village and Post Afour, P.S.- Khairah, District- Saran, Pin- 841414, Presently posted as Panchayat Teacher at Primary School Arna Urdu Aziz Block Mashrak, District- Saran.
45. Deepak Kumar Son of Murari Prasad Resident of Village Mouna Muhalla Chapra, Post- Chapra, P.S.- Town Thana, District- Saran, Pin 841301, Presently posted as Panchayat Teacher at Primary School Kamalpur, Block Garkha, District- Saran.
46. Kalpnath Singh Son of Shyam Sunder Singh Resident of Village Sargatti, Post and P.S.- Garkha, District- Saran Pin 841311, Presently posted as Panchayat Teacher at Primary School Kamalpur, Block Garkha District- Saran.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Finance Secretary, Water Resources, Government of Bihar, Patna.



3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Programme Officer (Establishment), Saran at Chapra.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Prabhat Ranjan Singh, Mr. Shashi Shekhar Tiwary Ms. Usha Kumari, Advocates
For the Respondents	:	Mr. Madanjeet Kumar GP 20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2020 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Learned counsel for the petitioners submits that the issue raised in the present writ application is squarely covered by the order dated 09.08.2019 passed in CWJC No. 16165 of 2019 (**Kishore 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 order dated 09.08.2019 passed in CWJC No. 16165 of 2019 (**Kishore Kumar & others Vs. The State of Bihar & others**), the writ petition is also disposed of in same terms.

(Anil Kumar Upadhyay, J)

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