

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3287 of 2020

1. Chandan Kumar Singh son of Sri Kalpnath Singh Resident of Village and Post- Rasalpura, P.S.- Doriganj, District- Saran, Presently posted as Panchayat Teacher at Girls Primary School Chirand, Sadar- Chapra.
2. Arun Kumar son of Sri Mohan Prasad Resident of Village- Jalalpur, Post- Rasalpura, P.S.- Doriganj, District- Saran, presently working as Block Teacher at Upgraded Middle School, Gheghtha, Saran.
3. Sanjay Kumar Singh son of Late Raj Nandan Singh Resident of Village- Rathour Newazi Tola, P.O.- Gurukul Mehiya, P.S.- Muffasil, District- Saran, Presently working as Block Teacher at Upgraded Girls Middle School Newazi Tola, Sadar Chapra.
4. Rekha Kumari wife of Sri Rajesh Kumar Singh Resident of Village- Newazi Tola, P.O.- Gurukul Mehiyan, P.S.- Muffasil, District- Saran, Presently working as Block Teacher at Upgraded Girls Middle School Newazi Tola, Sadar- Chapra.
5. Ashok Kumar Singh son of Rajeshwar Prasad Singh R/o Vill- Rathour Newazi Tola, P.O.- Gurukul Mehiya, P.S.- Mufassil, District- Saran, Presently working as Panchayat Teacher at Navsrijit Primary School Rathour Tola, Sadar- Chapra.
6. Lalan Kumar son of Late Harihar Sah Resident of Village- Jalalpur, Post- Rasalpura, P.S.- Doriganj, District- Saran, Presently working as Block Teacher at Upgraded Girls Middle School, Newazi Tola, Sadar Chapra.
7. Minta Kumari D/o Lalan Ram Resident of Village- Barbakpur, Dharni Tola Post- Pirouna, P.S. Garkha, District- Saran, Presently working as Block Teacher at Upgraded Girls Middle School, Newazi Tola, Sadar- Chapra.
8. Deepmala D/o Sri Vijay Kumar Gupta Resident of Mohalla- Husse Chapra, (Dhala No. 44) Post- Sahebganj, P.S.- Chapra Town District- Saran, Presently working as Panchayat Teacher at Primary School, Chanchoura, Sadar- Chapra.
9. Kumari Pushpa Singh wife of Rajan Kumar Singh Resident of Mohalla- Prabhunath Nagar (Near Shiv Shakti Mandir House No. B/35) Post- Dahyawa Tola Tandi, P.S.- Mufassil, District- Saran, Presently working as Panchayat Teacher at Primary School, ChanChaura, Sadar- Chapra.
10. Shashi Shekher son of Sri Rajendra Manjhi Resident of Village- Basadhi, Post- Gurukul Mehiyan, P.S.- Chapra Muffasil, District- Saran, Presently working as Panchayat Teacher at Primary School, Mehiyan, Sadar- Chapara.
11. Anupam Kumari wife of Akhileshwar Prasad Chaurasiya Resident of Village- Bhairapur Nizamat, Post and P.S. Doriganj, District- Saran, Presently working as Block Teacher at Upgraded Middle School, Kazipur, Sadar- Chapra.
12. Lakshmi Kumari wife of Arvind Kumar Resident of Mohalla- Cheta Telpa, Post- Chapra, P.S.- Chapra Town, District- Saran, Presently working as Niyogit Teacher at Bhairapur Nizamat, Doriganj, Saran.
13. Vandna Kumari D/o Sri Rameshwar Tiwari Resident of Mohalla- Sahebganj, Butanbari, Post- Chapra, P.S. Chapra Town, District- Saran, Presently



working as Niyogit Teacher at Girls Primary School, Dharmapura, Sadar-Chapra.

14. Kumari Anshumala D/o Sri Uma Shankar Prasad Resident of Mohalla-Mohan Nagar, New Colony, Post and P.S.- Bhagwan Bazar, District- Saran, Presently working as Block Teacher at Upgraded Middle School, Rasalpura, Sadar- Chapra.
15. Shila Kumari D/o Sri Hiralal Chaudhary Resident of Mohalla- Shyamchak, Post- Chapra, P.S.- Bhagwan Bazar, District- Saran, Presently working as Block Teacher at Upgraded Middle School, Rasalpura, Sadar- Chapra.
16. Satyendra Kumar Son of Dharm Nath Rai Resident of Village and Post- Ghoghta, P.S.- Muffasil, District- Saran, Presently working as Block Teacher at Upgraded Middle School, Suratpura Diyara, Sadar Chapra.
17. Khurshida Khatoon wife of Late Imaran Nasir Resident of Village and P.O.- Khanpur, P.S.- Derni, District- Saran, presently posted as Block Teacher at Middle School Khanpur, Dariyapur, Saran.
18. Raju Kumar Son of Sri Ramkeshwar Prasad Resident of Village- Mehiya, P.O. Gurukul Mehiya, P.S. Chapra Mufasil, District- Saran, Presently working as Panchayat Teacher at Nav Srijit Primary School, Balgrahan Sadar, Chapra.
19. Sunil Kumar Manjhi Son of Pyarchand Manjhi Resident of Village- Lohari, P.O.- Grukul Mehiya, P.S.- Chapra Mufassil, District- Saran, Presently working as Panchayat Teacher Navsrijit Primary School, Balgarhan, Sadar, Chapra.
20. Gayatri Devi wife of Ravindra Kumar Singh Resident of Village- Rathour Tola, P.O.- Gurukul Mehiyan, P.S.- Chapra Mufassil, District- Saran, Presently working as Panchayat Teacher, at Primary School, Mehiya, Sadar, Chapra.
21. Anuj Kumar Son of Sri Sudarshan Rai Resident of Village- Nayatola Bisunpura, P.O.- Goldenganj, P.S. Chapra Mufassil, District- Saran, presently working as Block Teacher at Upgraded Middle School, Rawal Rai Ke Tola, Sadar, Chapra.
22. Ravindra Kumar Mehta Son of Sri Girja Mahto Resident of Village and P.O. Magaidih, P.S. Chapra Mufassil, District- Saran, presently working as Block Teacher, at Upgraded Middle School, Jatua, Sadar, Chapra.
23. Umesh Kumar Son of Sri Ramjivan Mahto Resident of Village- Purvi Rauja (Ward No. 45), P.O. Bichla Telpa, P.S.- Chapra Town, District- Chapra, Presently working as Block Teacher, at Upgraded Middle School, Rawal Rai Ka Tola, Sadar Chapra.
24. Neetu Kumari Daughter of Sri Ram Lakhan Rai Resident of Muhalla-Dahiyawan (Umanath Mandir), P.O.- Sahebganj, P.S.- Chapra Town, District- Saran, presently working as Panchayat Teacher at Navsrijit Primary School, Shiva Diyari, Sadar, Chapra.
25. Amarnath Choudhary Son of Late JagarNath Chaudhary Resident of Mohalla- Raipura, P.O.- Garkha, P.S.- Bheldi, District- Saran, presently working as Niyojit Teacher at Primary School, Adamapur, Amnour, Saran.
26. Subhash Kumar Son of Sri Kaweshwar Singh Resident of Village-



- Shekhpura Dih, P.O.- Dharahara Kala, P.S. Amnour, District- Saran, presently working at Block Teacher at Middle School, Paiga Sadar, Amnour, Saran.
27. Ranjani Kumari wife of Sri Amarnath Chaudhary Resident of Village- Raipura, P.O Garkha, P.S. Bheldi, District- Saran, presently working as Panchayat Teacher at Sarai Box, Amnour, Saran.
 28. Surendra Ram Son of Sri Shionarayan Ram Resident of Village- Khoripakar, Kharag, P.O. and P.S.- Amnour, District- Saran presently working as Niyojit Teacher at Middle School, Khuripakar, Govind, Amnour, Saran.
 29. Punam Kumari Daughter of Kamaldeo Das Resident of Village- Pure Chapra, Post- Sonho Bhatha, P.S.- Maker, District- Saran, presently working as Niyojit Teacher at Middle School, Jagdishpur, Maker, Saran.
 30. Mehrun Nisa Daughter of Tuntun Resident of Village- Bande, P.O.- Amnour, District- Saran, presently working as Niyojit Teacher, Amnour, District- Saran.
 31. Manju Kumari wife of Raj Kumar Pandit Resident of Village- Near Jaglal Choudhary Collage, P.O.- Barhampur, P.S. Bhagwan Bazar, District- Saran, presently working as Niyojit Teacher Primary School, Sarkelpur- Manjhi-2, Saran.
 32. Sudha Bindu Kumari wife of Ashish Ranjan Ojha Resident of Village and P.O.- Ashahani, P.S.- Chainwa, District- Saran, Presently working as Block Teacher, at Upgraded Middle School, Narvan, Majhi- 2 Saran.
 33. Shashikala Kumari wife of Sushil Thakur Resident of Village- Manjhi (Munna Bazar), P.O. and P.S.- Manjhi, District- Saran, presently posted as Niyojit Teacher, at Upgraded Middle School, Chakiya, Sadar, Chapra.
 34. Soni Sharma Daughter of Satyanarayan Sharma Resident of Mohalla- Gandhi Chauk, Garkha, Road Chapra, P.S. Town Chapra, District- Saran, presently posted as Block Teacher at Upgraded Middle School, Pohiyan Garkha, Saran.
 35. Ravi Son of Shri Kameshwar Singh Resident of Village- Basdhi Utteri Tola, P.O.- Gurukul Mehiyan, P.S.- Chapra, P.S. Mufassil, District- Saran, presently posted as Block Teacher at Middle School Mahamda Garkha, Saran.
 36. Babita Gupta D/o Anirudh Prasad Resident of Village and P.O.- Puchari, P.S.- Baniyapur, District- Saran, presently posted as Block Teacher at Govt Middle Chetan Chapra, Saran.
 37. Chandrashekhar Kumar Son of Shri Satyanarayan Rai Resident of Village- Mani Naya Basti Bishunpura, P.O.- Goldenganj, P.S. Mufassil, District- Saran, presently working as Niyojit Teacher at Navsrijit Primary School Dayalchak, Sadar Chapra.
 38. Vinay Kumar Son of Shri Ganesh Ram Resident of Village and P.O.- Kudar Badha, P.S.- Garkha, District- Saran, presently posted as Block Teacher, Upgraded Middle School, Gheghtha, Saran.
 39. Kiran Bala D/o Mr. Harihar Prasad Choudhary (Nutan), Resident of Village- Suratpur, P.O.- Kotwapatti Rampur, P.S. Doriganj, District- Saran, presently posted as Block Teacher at Upgraded Middle School Rawal Rai Ke Tola,



Sadar, Chapra.

40. Sanjay Ray Son of Ram Kishore Prasad Resident of Mohalla- New Colony South of Gandhi Chauk, P.O.- Chapra, P.S. Chapra Town, District- Saran, presently posted as Niyojit Teacher at Primary School, Pirari, Garkha, Saran.
41. Ashok Kumar Choudhary Son of Ganga Chaudhary Resident of Village- Sorga, P.O. and P.S.- Garkha, Dist- Saran, presently posted as Niyojit Teacher at Navsrijit Primary School, Sergatti, Mushar Toli, Garkha, Saran.
42. Manorama Kumari D/o Rampujan Ram Resident of Village- Kamalpur, P.O.- Bhaismara, P.S.- Muffasil, District- Saran, presently posted as Niyojit Teacher at Primary School, Madhopur, Garkha, Saran.
43. Kumari Madhuri Mishra D/o Ram Narayan Mishra Resident of Village and P.O.- Dumari, P.S. Manjhi, District- Saran, presently working as Niyojit Teacher of Navsrijit Primary School Adalat Singh Ke Tola, Dumari Manjhi-2, Saran.

... .. 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, 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.Shashi Shekhar Tiwary, Advocate
For the Respondents	:	Mr.Subash Chandra Mishra (SC16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-02-2020 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 (**Kishor Kumar & others Vs. The State of Bihar &**



others). The relevant part of the order 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, Primary 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 order to maintain consistency, the writ application is disposed of with a direction to the Director, Primary Education, Government of Bihar, Patna (respondent no. 3) to consider the case of the petitioner in the light of order dated 09.08.2019 passed in CWJC No. 16165 of 2019 (**Kishor Kumar & others Vs. The State of Bihar & others**) and pass appropriate orders in accordance with law within a maximum



period of three months from the date of receipt/production of a
copy of this judgment.

(Anil Kumar Upadhyay, J)

BT/-

U			
---	--	--	--

