

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3748 of 2020

1. Renu Kumari Wife of Ramesh Nath Mishra Resident of Village- Sadhpur, P.S.- Garkha, District Saran at Present working as Panchayat Teacher, Primary School, Tole Bahorrai, Jalalpur Block of District- Saran.
2. Kumari Priyanka Wife of Amit Kumar Trivedi Resident of Village and P.O.- Kumna, District- Saran at Present working as Panchayat Teacher, Primary School, Jankinagar, Jalalpur Block of District- Saran.
3. Meena Kumari Wife of Sri Wakil Singh Resident of Village and P.O.- Kothayan, P.S.- Jalalpur, District Saran at Present working as Panchayat Teacher, NPS Basdila (Harijan Tola), Jalalpur Block of District- Saran.
4. Sunita Kumari Wife of Shailesh Kumar Resident of Village- Ariawan, P.O.- Phulwaria Tazpur, P.S.- Daudpur, District Saran at Present working as Block Teacher, Middle School, Anawal Jalalpur Block of District- Saran.
5. Niraj Devi Wife of Brajesh Kumar Singh Resident of Village- Piano, Anawal, P.S.- Kopa, District Saran Presently working as Block Teacher, Middle School, Anawal, Jalalpur Block of District- Saran.
6. Poonam Kumari Wife of Mithilesh Kumar Resident of Village- Baburwani, P.O.- Pahleja, P.S.- Sonpur, District Saran at Present working as Block Teacher, Middle School, Anawal, Jalalpur Block of District- Saran.
7. Manorma Kumari D/o Suresh Kumar Yadav R/o Village- Jalalpur, P.S.- Doriganj, District Saran Presently working as Block Teacher, Middle School, Anawal, Jalalpur Saran.
8. Ranjeet Kumar Sharma Son of Dinanath Sharma Resident of Village and P.O.- Tujarpur, P.S.- Khaira, District Saran Presently working as Block Teacher, Middle School, Nawada, Jalalpur Block of District- Saran.
9. Shobhnath Manjhi Son of Gola Manjhi Resident of Village- Mangolapur, P.S.- Jalalpur, District Saran Present working as Block Teacher, Middle School, Nawada, Jalalpur (Saran).
10. Umakant Manjhi Son of Deo Kumar Manjhi Resident of Village and P.O.- Chupnagar Dhobwal Via Jalalpur, P.S.- Khaira, District Saran Presently working as Block Teacher, Middle School, Nawada, Jalalpur Block of District- Saran.
11. Umashankar Mahto Son of Ramjanam Mahto Resident of Village and P.O.- Mangolapur, P.S.- Jalalpur, District Saran Present working as Panchayat Teacher, NPS, Chainpur, Jalalpur Block of District- Saran.
12. Shabana Praveen Daughter of Md. Akhtar Ali, Wife of Md. Firoz Resident of Village- Sarha Mathia, P.O. and P.S.- Chhapra, District -Saran at present residing at Near Gheghtha Mela, P.O. and P.S.- Chapra (Saran) Presently working as Block Teacher, Middle School, Kopa, Jalalpur Block of District- Saran.
13. Kiran Kumari Wife of Akhileshwar Prasad Yadav @ Akhileshwar Yadav Resident of Village- Dudhaila Krishi Farm (Bhinnik Tola), P.O.- Sonpur, District Saran Present working as Block Teacher, at Middle School, Batrauli-1, Sonpur Block of District- Saran.



14. Rita Kumari Wife of Ajay Kumar Resident of Village- Phulwaria, P.O. and P.S.- Garkha, District Saran Present working as Panchayat Teacher, at NPS, Motilal ke Tola, Baghmarwapar, Block Maker, District- Saran.
15. Kanishtha Kumari Wife of Chandrakant Resident of Village and P.O.- Majhaalia, P.S.- Kopa, District Saran working as Block Teacher, Upgraded Middle School, Piyani, Jalalpur (Saran).
16. Radhika Kumari Daughter of Late Daroga Rai, Wife of Sanjay Kumar Yadav Resident of Village- Mubarakpur, P.S.- Revelganj, District Saran at Present Posted as Panchayat Teacher, Primary School, Samahauta, Jalalpur Block of District- Saran.
17. Nisha Sinha Wife of Navin Kumar Resident of Mushahari, P.S.- Kopa, District Saran Present working as Panchayat Teacher, Primary Girls School, Samahauta, Jalalpur (Saran).
18. Rashmi Ranjan Kumari Wife of Prabhat Kumar Resident of Village- Mushehari, P.S.- Kopa, District Saran at Present working as Panchayat Teacher, Primary Girls School, Mushehari, Jalalpur Block of District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary Finance Department, Government of Bihar, Patna.
3. The Addl. Chief Secretary Education Department, Govt. of Bihar, Patna.
4. The Secretary Education Department, Govt. of Bihar, Patna.
5. The Director Primary Education, Government. of Bihar, Patna.
6. The Regional Deputy Director of Education Saran at Chhapra.
7. The District Education Officer Saran at Chhapra.
8. The District Programme Officer (Establishment) Saran at Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bajarangi Lal
For the Respondent/s : Mr.Amit Bhushan (Gp17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The issue raised in the present writ application is no
more res integra. Similar issue was decided by this Court in



C.W.J.C. No. 16165 of 2019.

In order to maintain consistency, the present writ application is also disposed of in the same terms of C.W.J.C. No. 16165 of 2019.

The relevant part of the order dated 09.08.2019 passed in C.W.J.C. No. 16165 of 2019 is quoted below:

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.

(Anil Kumar Upadhyay, J)

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