

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3785 of 2020

1. Jitendra Kumar Chaudhary Son of Dharmnath Choudhary, Resident of Village- Khalpura- Kamala, Post- Gultenganj, P.S. Chapra Muffasil, District- Saran, Presently Posted at Primary School, Khalpura, Chapra Sadar, Saran.
2. Raju Kumar, Son of Shri Surendra Prasad Manjhi, Resident of Village- Lawkushpur, Post- Goldenganj, P.S. Chapra Muffasil, District- Saran, Presently Posted at Navsrijit Primary School, South Badalpura, Chapra Sadar, Saran.
3. Suman Kumar Singh, Son of Shri Krishna Singh, Resident of Village- Khalpura- Kamala, Post- Goldenganj, P.S. Chapra Muffasil, District- Saran, Presently Posted at Girls Primary School, (K.P.S.), Chapra Sadar, Saran.
4. Amarjeet Paswan, Son of Nageshwar Manjhi, Resident of Village- Sanjha, P.O. Basant, P.S. Derni, District- Saran, Pin- 841202, Presently Posted at Primary School Bishwambharpur, Dariyapur, Saran.
5. Raj Kumar Paswan, Son of Ganesh Paswan, Resident of village- Sherpur, Post- Gheghtha, P.S.- Chapra Muffasil, District- Saran, Presently posted at Upgraded Middle School, Mala, Sherpur, Chapra Sadar, Saran
6. Subhash Kumar Ray, Son of Shri Vishwamitra Ray, Resident of Koreyan (Maya Tola), P.O.-Khairah, P.S.- Khairah, District- Saran, Pin- 841414, Presently posted at Navsrijit Primary School Tejpurwa Block- Sadar, Chapra , Saran
7. Shiv Shambhu Narayan Son of Chandeshwar Rai, Resident of village- Awadhpora, Post- Goltenganj, P.S.- Chapra Muffasil, District- Saranm Presently posted at Navsrijit Primary School, South Badarpura, Chapra Sadar, Saran
8. Ravi Ranjan Singh, Son of Shri Kameshwar Singh, Resident of village and P.O. Gultenganj, Vishnpura, P.O.-Gultenganj, P.S. Chapra Muffassil, District- Saran, Presently posted at Upgraded Middle School, Jalalpur, Saran
9. Rajan Kumar Son of Arjun Paswan, Resident of village- Mala, Post- Gurukul Mahiyan Purbari Tola(Purbari Telpa) P.S.- Chapra Muffasil ,District- Saran Presently posted at Girls Middle School (K.M.S.) Sherpur, Chapra Sadar, Saran
10. Upendra Kumar, Son of LalBahadur Ray, Resident of village-Lodipur, Post- Chirand, P.S.- Doriganj District- Saran, Presently posted at Upgraded Middle School, Lodipur, Chapra Sadar, Saran
11. Veena Kumari Wife of Deendayal Manjhi, Resident of Mohalla- Hemnagar Colony, Post- Sandha, P.S.-Chapra Muffasil, District-Saran Presently posted at Primary School, Tenua, Sadar Chapra, Saran
12. Pinki Kumari, Daughter of Anand Mohan Mitra, Resident of village and Post- Dhorlahi Kaithal, P.S.- Amnour, District- Saran Presently posted at Primary School, Dhorlahi Kaithal, Amnour, Saran
13. Mamta Kumari, Wife of Abhinandan Kumar Singh, Resident of village and Post- Khalpura, P.S.- Chapra Muffasil, District- Saran, Presently posted at Primary School, Khalpura Chapra Sadar, Saran



14. Soni Kumari Wife of Rakesh Kumar, Resident of village-Rajmal Pirari, Post- Fakuli, P.S.- Revilganj, District- Saran, Presently posted at Primary School, Khelpura,Sadar Chapra, Saran
15. Nitu Kumari, Wife of Sanjay Kumar Deo, Resident of village- Khalpura Kamala, Post- Khalpura P.S.- Chapra Muffasil District- Saran, Presently posted at Primary School, Khalpura, Chapra Sadar, Saran
16. Shahin Kamal, Daughter of Md. Mushafe Kamal, Resident of Ward No.17, Nai Bazar, Post- Chapra, P.S.- Bhagwan, District- Saran, Presently posted at Girls Primary School,(K.P.S.) Sherpur, Chapra Sadar, Saran
17. Malti Kumari, Wife of Anil Kumar Singh Resident of village - Bishnupura, P.O.- Gultenganj, P.S. Chapra Muffasil, District- Saran, Presently posted at Navsrijit Primary School, Bishnupura (Ward No. 3), Chapra Sadar, Saran
18. Archna Kumari, Wife of Sumit Kumar, Resident of village and Post-Bishnupura, P.S.- Chapra Muffasil, District- Saran, Presently posted at Navsrijit Primary School , Bishnupura, Chapra Sadar, Saran
19. Hemlata Kumari, Wife of Sri Dinesh Pratap Singh, Resident of village and Post- Bishnupura P.S.- Chapra Muffasil, District- Saran, Presently posted at Navsrijit Primary School Bishnupura (Ward No. 3), Chapra Sadar, Saran
20. Anita Kumari, Wife of Sri Ranjit Kumar Manjhi, Resident of village Vishnupura, P.O.- Gultenganj, P.S. Chapra Muffasil, District- Saran, Presently posted at Navsrijit Primary School, Ward No.3 Chapra Sadar, Saran
21. Vivek Vishal, Son of Shri Chandrama Yadav, Resident of village and P.O.- Belahri, P.S.- Taraiya, District- Saran, Presently posted at Arjun Singh Middle School, Vishnupura, Chapra Sadar, Saran.
22. Dharmendra Kumar, Son of Shri Nageshwar Ram, Resident of village-Barbakpur, Dharni Tola, Post- Pirouna, P.S.- Garkha, District- Saran, Presently posted at Navsrijit Primary School, Bishnupura, Ward No.3, Chapra Sadar, Saran
23. Kalawati Wife of Sri Krishna Rai, Resident of village- Hemnagar, Post-Chapra, P.S.- Chapra Muffasil, District- Saran, Presently posted at Arjun Singh Middle School, Vishnupura, Chapra Sadar, Saran
24. Birendra Kumar Das, Son of Shri Jagdish Prasad, Resident of village-Mokhadumganj, Post- Ghegha,P.S.- Chapra Muffasil, District- Saran, Presently posted at Upgraded Middle School, Makhadumganj, Sadar Chapra, Saran
25. Awadhesh Ram, Son of Shri Chhathu Ram, Resident of Mohalla- VIP Lara, Post and P.S.- Bhagwan Bazar,District- Saran, Presently posted at Navsrijit Primary School, Sherpur, Chapra Sadar, Saran
26. Kumari Sanni, Wife of Shri Satyendra Kumar Chourasia, Resident of village- Bhairapur, Aima, Post and P.S.- Doriganj, District- Saran, Presently posted at Middle School, Chirand, Sadar Chapra, Saran
27. Indu Kumari, Wife of Shri Virendra Mahto, Resident of village- Bichla Telpa, Post- Chapra, P.S.- Chapra Town, District- Saran, Presently posted at Middle School, Chirand, Chapra Sadar, Saran
28. Sanjeet Kumar Ram, Son of Shri Yamuna Ram, Resident of village-



- Barbakpur, Dharni Tola, Post- Pirauna, P.S.- Garkha, District- Saran, Presently posted at Primary School, Karinga Musehari, Chapra Sadar, Saran
29. Seema Kumari, Daughter of Rambabu Singh, Resident of village- Dayalchak (Ward No.11), Post-Kotwapatti, Rampur, P.S.- Doriganj, District- Saran, Presently posted at Navsrijit Primary School, Dayalchak, Chapra Sadar, Saran
30. Shanti Kumari, Wife of Ajay Kumar Sah, Resident of village- Musehari Mahto, Post- Musehari, P.S.- Chapra Muffasil, District- Saran, Presently posted at Primary School, Karinga Musehari, Chapra Sadar, Saran
31. Rubi Kumari, Daughter of Rambabu Singh, Resident of village- Dayalchak, Post- Kotwapatti Rampura, P.S.- Doriganj, District- Saran, Presently posted at Primary School, Dayalchak, Chapra, Saran
32. Shushila Devi, Wife of Madhav Prasad yadav, Resident of village- Tenua, Post- Musehari, P.S.- Muffasil, District- Saran, Presently posted at Primary School, Tenua, Chapra Sadar, Saran
33. Savita Kumari, Wife of Shyamdeo Mahto, Resident of village- Tenua, Post- Musehari, P.S.- Chapra Muffasil, District- Saran, Presently posted at Primary School, Tenua, Chapra Sadar, Saran
34. Kumari Kusum, wife of Maish Kumar Singh, Resident of village- Basadhi Gurukul Mchiyan, Post- Basadhi, P.S.- Chapra Muffasil, District- Saran, Presently posted at Primary School, Dumariya Chapra Sadar, Saran
35. Nirmala Yadav, Daughter of Sri Gautam Rai, Wife of Shri Mohan Prasad Yadav, Resident of village- Shiv Bazar, Post and P.S.- Bhagwan Bazar, District- Saran, Presently posted at Primary School, Chanchoura, Sadar Chapra, Saran
36. Rani Kumari, Wife of Shyamnath Sah, Resident of village and Post- Musehari Mahto, P.S.- Chapra Muffasil, District- Saran, Presently posted at Upgraded Middle School, Ram Nagar, Chapra Sadar, Saran
37. Sanjeeta Kumari, Wife of Upendra Prasad Mandal, Resident of village and Post- Moul Tola, P.S.- Pirpaiti (Sirmapur), District- Saran, Presently posted at Upgraded Middle School, Chapra Sadar, Saran
38. Naghma Perween, Wife of Md. Quamruddin Ahmad, Resident of village- Kamalpur, Post- Khanpur, P.S.- Awatar Nagar, District- Saran, Presently posted at Urdu Upgraded Middle School, Mathiya Ansari, Dariyapur Saran
39. Md. Aiyub Son of Ahmad Ali, Resident of village- Sarnarayan, Post-Saraiya, P.S.- Dariyapur, District- Saran, Presently posted at Urdu Primary School, Manpura, Dariyapur, Saran
40. Md. Zainuddin, Son of Abdul Aziz Churihar, Resident of village- Mohammadpur, Post- Bela, P.S.- Dariyapur, District- Saran, Presently posted at Urdu Upgraded Middle School, Mathiya Ansari, Dariyapur, Saran
41. Santosh Kumar Singh, Son of Baliram Singh, Resident of village and Post- Saraiya, P.S.- Dariyapur, District- Saran, Presently posted at Upgraded Middle School, Mala Sherpur, Sadar Chapra, Saran
42. Nitu Kumari, Wife of Vijay Kumar Ranjan, Resident of village and Post- Gheghtha, P.S.- Chapra Muffasil, District- Saran, Presently posted at Upgraded Middle School, Mala Sherpur, Sadar Chapra, Saran



43. Amar Nath Roy, Son of Dharm Nath Roy, Resident of village Sherpur, P.O.-Gheghtha, P.S.- Chapra Muffasil, District- Saran, Presently posted at Middle School, Mala, Sherpur Sadar Chapra, Saran
44. Sarita Kumari, Daughter of Bharat Das, Resident of village- Makinpur Garkha, Post and P.S.- Garkha, District- Saran, Presently posted at Upgraded Middle School, Jalalpur-1, Saran
45. Umrawati Kumari Nirankari, Daughter of Late Ram Awadh Das, Resident of village- Makinpur, Post and P.S.- Garkha, District- Saran, Presently posted at Primary School, Salakhuan, Rajput Tola, Amnour, Saran
46. Renu Kumari Daughter of Kanahiya Ram, Resident of village and Post- Dhangarha, P.S.- Bariyarpur, District- Saran, Presently posted at Middle School, Dharhara Khurd, Amnour, Saran
47. Rupa Kumari, Daughter of Raju Paswan, Resident of village and Post- Telpa, P.S.- Chapra Town, District- Saran, Presently posted at Upgraded Middle School, Jalalpur-1, Sadar, Saran
48. Deepjyoti Daughter of Dinesh Rai, Resident of Mohalla- Dahianwa, Brahman Toli, Post- Chapra, P.S.- Chapra Town, District- Saran, Presently posted at Upgraded Middle School, Gheghtha Chapra Sadar, Saran
49. Mamta Kumari, Daughter of Ramjee Rai, Resident of village- Sherpur, Post- Gheghtha, P.S.- Chapra Muffasil, District- Saran, Presently posted at Upgraded Middle School, Gheghtha, Chapra Sadar, Saran
50. Suganti Kumari, D/o Rangilal Ram, Resident of village Mahato Musher, Post- Mahato Musher, P.S.- Chapra Muffasil, District- Saran, Pin- 841414, Presently posted at Navsrijit Primary School Tejpurwa Block Sadar Chapra, Saran
51. Rajat Kumar, Son of Shri Krishna Pratap Singh, Resident of village- Hem Nagar Ward No. 10 Nagaji Tola Shamde, Post- Shanda, P.S.- Chapra Muffasil, District- Saran, Pin-841301,, Presently posted at Navsrijit Tenua Purvi, Sadar, Chapra, Saran
52. Tinku Kumar Paswan, Son of Ram Nath Manjhi, Resident of village- Bari Musehari, Post- Khairah, P.S.- Chapra Muffasil, District- Saran Pin- 841414, Presently posted at Upgraded Kanya Middle School, Mahto Musehari, Sadar Chapra, Saran
53. Krishna Kumar Sah, Son of Mahadev Sah, Resident of village- Inai (Surwar Patty), Post- Inai, P.S.- Rivilganj, District- Saran, Pin- 841305, Presently posted at Upgraded Kanya Middle School Mahto Musehari, Sadar Chapra, Saran,
54. Shashi Kant Kumar, Son of Amar lal Ram, Resident of Village- Tenua, Post- Musahri, P.S.- Chapra Muffasil, District- Saran, Pin- 841414, Presently posted at Upgraded Middle School, Mira Musahri, Sadar Chapra, Saran
55. Lalit Kumar Yadav, Son of Shiva Jatan Ray, Resident of village Dumariya, Post- Chain Choura, P.S.- Chapra Muffasil, District- Saran, Pin- 841414, Presently posted at Navsrijit Primary School Tenua Purvi, Sadar Chapra, Saran
56. Renu Kumari, D/o Shiv Nath Ram, Resident of village- Barwe, Post- Barwe, P.S.- Dariyapur, District- Saran, Pin- 841219, Presently posted at Primary



School- Barwe, Dariyapur, Saran

57. Punam Kumari, Wife of Amlesh Kumar, Resident of village- Chhot Jhaui , P.S.- Jhaui, P.S.- Avatar Nagar, District- Saran, Pin- 841216, Presently posted at Navsrijit Primary School, Khazuhatta, Dariyapur, Saran
58. Indu Kumari, Wife of Jayprakash Ram, Resident of village- Darihara Chatarbhuj, Post- Darihara, P.S.- Dariyapur, District- Saran, Pin- 841247, Presently posted at Primary School, Sarnarayan, Dariyapur, Saran
59. Rakesh Ram, Son of Adalat Ram, Resident of village- Darihara Chaturbhuj, Post- Darihara, P.S.- Dariyapur, District- Saran, Pin- 841247, Presently posted at Upgraded Kanya Middle School Idelpur, Dariyapur, Saran
60. Manoj Kumar, Son of Yogendra Sahni, Resident of village- Belhar, Post- Darihara, P.S.- Dariyapur, District- Saran, Pin-841247, Presently posted at Upgraded Kanya Middle School Idilpur, Dariyapur, Saran
61. Asha Kumari, D/o Shri Suresh Prasad, Resident of village- Tarwa Post- Tarwa Magarpal P.S.- Dariyapur. District- Saran, Pin- 841105, Presently posted at Primary School Konhwan, Dariyapur, Saran
62. Kavtia Gupta, D/o Yamuna Prasad, Resident of village- Parsauna, Post- Parsauna, P.S.- Parsa, District- Saran, Pin- 841219, Presently posted at Navsrijit Primary School Barway SC Tola, Dariyapur, Saran
63. Harindra Ray, Son of Rambaran Ray, Resident of village- Belhar, Post- Darihara, P.S.- Dariyapur, District- Saran, Pin- 841247, Presently posted at Primary School Konhwa, Dariyapur, Saran
64. Mritunjay Kumar, Son of Nagendra Prasad Yadav, Resident of village- Rahar Diyara, Post- Sonapur, P.S.- Sonapur, District- Saran, Pin- 841101, Presently posted at Navsrijit Primary School Khazuhatta, Dariyapur, Saran
65. Babita Kumari, D/o Barelal Prasad Rai, Resident of village- Belhar, Post- Darihara, P.S.- Dariyapur, District- Saran, Pin-841247, Presently posted at Primary School Belhar Fattu, Dariyapur, Saran
66. Gajendra Bharti, Son of Ramekbal Ram, Resident of village- Bisamharapur, Post- Sutiha, P.S.- Sutiha, District- Saran, Pin-841222, Presently posted at Upgraded Middle School Balichapra, Dariyapur, Saran
67. Prakash Bhushan, Son of Ashok Kumar Ray, Resident of village- Ashok Kumar Ray, Resident of village- Marar, Post- Parsa, P.S.- Parsa, District- Saran, Pin- 841219, Presently posted at Navsrijit Primary School Karamchak, Dariyapur, Saran
68. Satyendra Singh, Son of Ramekbal Singh, Resident of village- Dayal Chak, Post- Kotwapatti Rampur, P.S.- Doriganj, District- Saran, Pin- 841211, Presently posted at Upgraded Middle School, Meathwalia Sadar Chapra

... .. Petitioners

Versus

1. The State of Bihar through the 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.
5. The District Education Officer, Saran,
6. The District Programme Officer(Establishment), Saran.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Prabhat Ranjan Singh, Mr.Shashi Shekhar Tiwary, Ms. Usha Kumari, Advocates
For the Respondents	:	Mr.Subhash Chandra Mishra, SC16

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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