

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2383 of 2020

1. Raghwendra Kumar Mishra Son of Surendra Nath Mishra Resident of Village- Ramnagar, Post- Sandha, P.S.- Chapra Muffasil, District- Saran (Bihar) Pin Code- 841301, Presently Posted at Primary School Doman Chapra, Block- Amnour, Saran.
2. Nawal Kishor Singh Son of Rameshwar Singh Resident of Village and Post- Pakari Mahammad, P.S.- Amnour, District- Saran (Bihar) Pin Code- 841218, Presently Posted at Middle School Dharhara Kurd, Amnour, Saran.
3. Veena Kumari D/o Rajendra Bhakta Resident of Village- Dharampur, Post- Amnour, P.S.- Madhawrah, District- Saran (Bihar) Pin Code- 841401, Presently Posted at Primary School Doman Chapra, Block- Amnour, Saran.
4. Sheojee Kumar Singh Son of Ram Nagina Singh Resident of Village and Post- Pakri Mahammad, P.S.- Amnour, District- Saran (Bihar) Pin Code- 841218, Presently Posted at Middle School Lakhana, Block- Amnour, Saran.
5. Bijay Kumar Yadav Son of Lokeshwar Prasad Yadav Resident of Village- Jalalpur Tola Kharidaha, Post- Apahar, P.S.- Bheldi, District- Saran (Bihar) Pin Code- 841402, Presently Posted at Navsrijit Primary School Bathan Dhobi Tola, Block- Amnour, Saran.
6. Shahana Bano D/o Mobarak Hussain Resident of Village and Post- Apha, P.S.- Amnour, District- Saran (Bihar) Pin Code- 841402, Presently Posted at Urdu Middle School Patrahi Kala, Block- Amnour, Saran.
7. Mohammad Ali Son of Pan Mohammad Resident of Village- Sahadi Chapra, Post- Puraina, P.S.- Amnour, District- Saran (Bihar) Pin Code- 841401, Presently Posted at Navsrijit Primary School Bagahi, Block- Amnour, Saran.
8. Tarique Anwar Ansari Son of Akhtar Ali Ansari Resident of Village- Jagdishpur, Post- Kaituka Lachhi, P.S.- Maker, District- Saran (Bihar) Pin Code- 841460, Presently Posted at Middle School Sahadi Chapra, Block- Amnour, Saran.
9. Lal Babu Son of Harinath Prasad Resident of Village- Dharmpur, Post- Amnour, P.S.- Madhawrah, District- Saran (Bihar) Pin Code- 841401, Presently Posted at Middle School Khori Pakar Govind, Block- Amnour, Saran.
10. Prasant Prasad Singh Son of Chandar Prasad Singh Resident of Village- Kachahariya, Post- Budhuchak, P.S.- Kahalgaon, District- Bhagalpur (Bihar) Pin Code- 813222, Presently Posted at Middle School Paharpur, Block- Amnour, Saran.
11. Om Prakash Pandit S/o Daroga Pandit Resident of Village- Tara Amnour, P.O.- Kaituka Nandan, P.S.- Maker, District- Saran (Bihar) Pin Code- 841460, Presently Posted at Primary School Bagahi, Block- Amnour, Saran.
12. Budhan Kumar Mahto Son of Ramayodhya Mahto Resident of Village- Gawandri, P.O.- Malarpur, P.S.- Bheldi, District- Saran (Bihar) Pin Code- 841311, Presently Posted at Primary School Ganaura ke Tola, Block- Amnour, District- Saran, Pin Code- 841418.
13. Mira Kumari Daughter of Dharmveer Ram Resident of Village- Bishunpur Pratap, P.O.- Sonho Bhatha, P.S.- Amnour, District- Saran (Bihar) Pin Code-



- 841460, at Presently Posted at Primary School Bishunpur Dhobahi, Block- Amnour, District- Saran, Pin Code- 841401.
14. Md. Nayeemuddin Ansari Son of Sabdul Ansari Resident of Village- Nauranga, P.O.- Basantpur Bangla, P.S.- Amnour, District- Saran (Bihar) Pin Code- 841401, at Presently Posted at Primary School Bishunpur Dhobahi, Block- Amnour, District- Saran, Pin Code- 841401.
 15. Santosh Rajak Son of Lal Babu Baitha Resident of Village- Tenua, P.O.- Musehari, P.S.- Chapra Muffasil, District- Saran (Bihar) Pin Code- 841414, at Presently Posted at Primary School Bishunpur Dhobahi, Block- Amnour, District- Saran, Pin Code- 841401.
 16. Vinay Kumar Son of Bishwanth Baitha Resident of Village- Basantpur Bangla, P.O.- Basantpur, P.S.- Amnour, District- Saran Pin Code- 841401, at Presently Posted at Utkramit Middle School Madhubani, Block- Amnour, District- Saran, Pin Code- 841401.
 17. Sabita Kumari Daughter of Mahesh Prasad Resident of Village and P.O.- Pakadi Mahamad, P.S.- Amnour, District- Saran (Bihar) Pin Code- 841218, at Presently Posted at Middle School Repura (balak), Block- Amnour, District- Saran, Pin Code- 841311.
 18. Rajesh Kumar Choudhary Son of Braj Mohan Chaudhry Resident of Village- Dahiyawan Tola, P.O. Chapra, P.S.- Nagar Thana, District- Saran (Bihar), Pin-841301 at presently posted at Middle School, Repura (Balak), Block- Amnour, District- Saran, Pin Code- 841311.
 19. Rita Saroj D/o Hiranman Saroj Resident of Village- Uttari Dahiyawan Tola, P.O. Chapra, P.S.- Nagar Thana, District- Saran (Bihar), Pin-841301 at presently posted at Middle School, Repura (Balak), Block- Amnour, District- Saran, Pin Code- 841311.
 20. Ajay Kumar Sharma Son of Mantu Lal Sharma Resident of Village- Bhatehari, P.O. Dhorlahi, Kaithal, P.S.- Amnour, District- Saran (Bihar), Pin-841402 at presently posted at Middle School, Khaspatti, Block- Amnour, District- Saran, (Bihar), Pin Code- 841401.
 21. Ashok Kumar Sah Son of Ritlal Sah Resident of Village- Titira, P.O. Bhatha Sonho, P.S.- Parsa, District- Saran (Bihar), Pin-841460 at presently posted at Middle School, Khaspatti, Block- Amnour, District- Saran, (Bihar), Pin Code- 841401.
 22. Sunita Manjhi Son of Manoj Manjhi Resident of Village- Hasanpura, P.O. Madhaura, P.S.- Madhaura, District- Saran, Pin-841418 presently posted at Primary School, Ganaura Ke Tola, Block- Amnour, District- Saran, (Bihar), Pin Code- 841418.
 23. Asha Daughter of Jamdar Mahto Resident of Village- Suman Chapra, P.O. Banauta, District- Saran (Bihar), Pin-841215 at presently posted at Upgraded Middle School, Block- Amnour, District- Saran, Pin Code- 841401.

... .. 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. Kameshwar Kumar GP 17

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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