

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3540 of 2020

Alamtab Ahamd Khan S/o Late Kusha Khan, Resident of Village-Banpura,
P.O. and P.S.-Khaira, District-Saran, Working as Block Teacher at Upgraded
Middle School, Manpur (Urdu) Nagra, Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Finance Secretary, 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 Petitioner : Mr.Shashi Shekhar Tiwary, Advocate
For the Respondents : Mr.Madanjeet Kumar GP 20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Learned counsel for the petitioner 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			
---	--	--	--

