

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4446 of 2020

1. Mithilesh Kumar Singh Son of Sri Parasnath Singh, Resident of Village-Hasanpur Naya Tola, P.O.-Hasanpur Mathiya, P.S.-Sidhwalia, District-Gopalganj, Presently Posted as Block Teacher in Upgraded Middle School, Balara, Barauli, Gopalganj.
2. Rinki Kumari Wife of Sri Punit Kumar Thakur, Resident of Village-Hasanpur, P.O.-Hasanpur Mathiya, P.S.-Sidhwalia, District-Gopalganj, Presently Posted as Block Teacher in Upgraded Middle School, Balara, Barauli, Gopalganj.
3. Kumari Kiran Wife of Sri Pramod Kumar Resident of Village-Hasanpur, P.O.-Hasanpur Mathiya, P.S.-Sidhwalia, District-Gopalganj, Presently Posted as Block Teacher in Upgraded Middle School, Hasanpur Mathiya, Barauli, Gopalganj.
4. RaviRanjan Kumar Shrivastv, Son of Sri Upendra Prasad, Resident of Village-Baghwar, P.O.-Sikatiya, P.S.-Sidhwalia, District-Gopalganj, Presently Posted as Block Teacher in Upgraded Middle School, Baghwar, Barauli, Gopalganj.
5. Sanjeev Kumar Son of Sri Sudarshan Bhagar, Resident of Village-Sirsa, P.O.-Dighwa Dubauli, P.S.-Baikunthpur, District-Gopalganj, Presently Posted as Block Teacher in New Primary School, Banaura, Baikunthpur, Gopalganj.
6. Umesh Kumar Thakur Son of Sri Birendra Thakur, Resident of Village and P.O.-Chamanpura, P.S.-Baikunthpur, District-Gopalganj, Presently Posted as Block Teacher in Middle School, Chamanpura, Baikunthpur, Gopalganj.
7. Manish Kumar Son of Sri Jai Narayan Ram, Resident of Village-Karamaini Muhabbat, P.O. and P.S.-Kuchaikote, District-Gopalganj, Presently Posted as Nagar Teacher in Govt. Primary School, Kateya Raj, Kateya, Gopalganj.
8. Reena Kumari D/o Sri Vikrama Prasad, Resident of Village-bargachhiya, P.O.-Ramchandrapur, P.S.-Thawe, District-Gopalganj, Presently Posted as Nagar Teacher in Middle School, Bhaluhi, Kateya, Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar Singh, Advocate
For the Respondent/s	:	Mr.Madhaw Prasad Yadav (Gp23)
		Mr. Arvind Kumar, AC to GP 23



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-03-2020 Heard learned counsel for the petitioners and the State.

Learned counsel appearing on behalf of the petitioners submits that the case of the petitioners is covered by the decision of this Court dated 9.8.2019 in CWJC No. 16165 of 2019. The relevant part of the order 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.”

In order to maintain consistency, the present writ petition is disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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