

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.209 of 2020

1. Ram Karan Chaurasia S/o Late Ram Sagar Chaurasia R/o of Mohalla- Baghi Ward No. 11 P.O.- Suhirdnagar, P.S. and District- Begusarai. At present Primary Teacher (Graduate Grade), U.M.S. Jeetwajitpur.
2. Vinod Kumar Son of Satya Narayan Thakur Resident of Mohalla- Ashok Nagar Pokharia Ward No. 36 P.O., P.S. and District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), P.S. Ram Udgar Yadav Tol, Fateha.
3. Nitesh Ranjan Son of Mahendra Mahto Resident of Mohalla- Bagha Ward No. 29, P.S. and District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), P.S. Dhobi Tol, Rachiyahi.
4. Shambhu Kumar Son of Ram Sevak Singh resident of Mohalla Lohiya Nagar, P.O.- Suhirdnagar, P.S. and District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), U.M.S. Danauli.
5. Nitu Kumari D/o Arvind Kumar resident of Mohalla Lohiya Nagar Panhas, P.S. and District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), M.S., Raghuvar Nagar, Begusarai.
6. Seema Kumari D/o Surendra Prasad Resident of Station Road, P.S. and District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), M.S., Raghuvar Nagar, Begusarai.
7. Nasrin Praveen D/o Md. Akbar resident of Akhtiyarpur Chilmil, Begusarai (Bihar). At present Primary Teacher (Basic Grade), U.M.S. Hardia, Begusarai.
8. Kamal Ranjan Son of Shiv Kumar Mahto resident of Hardia, Chilmil, Begusarai. At present Primary Teacher (Basic Grade), M.S. Samsa, Nawkothe, Begusarai.
9. Vikrant Kumar Son of Anil Thakur resident of Miya Chak, Ward No. 34 Chatti Road, Begusarai. At present Primary Teacher (Basic Grade), P.S. Chakmala, Bhagwanpur, Begusarai.
10. Pramod Kumar Son of Bindeshwari Mahto resident of Yamunatar Ward No. 03, P.O.- Rasidpur, P.S.- Bachhwara, District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), P.S., Ramchandpura, Mushahari, Begusarai.
11. Vinay Kumar Ray Son of Upendra Ray resident of Mahishi Ward No. 06, District- Samastipur (Bihar). At present Primary Teacher (Basic Grade), U.M.S., Mahnaiya, Samastipur.
12. Dhananjay Kumar Mishra Son of Brij Kishor Mishra resident of Chakhabib, P.O.- Chakhabib, District- Samastipur (Bihar). At present Primary Teacher, Govt. Basic School, Karihara.
13. Sandeep Kumar Son of Ganesh Shankar Singh resident of Kankaul Ward No. 12 Chilmil, Distt.- Begusarai (Bihar). At present Primary Teacher (Basic Grade), M.S., Parora, Begusarai.
14. Brajesh Kumar Son of Wakil Rajak Resident of Bahdarpur, Ward No. 09, Rampur Matihani, District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), P.S. Ramnagar, Begusarai.
15. Mukesh Kumar Mishra Son of Markanday Mishra resident of Paspura, Ward



- No. 17, Distt. Begusarai (Bihar). At present Primary Teacher (Basic Grade), Kanya M.S., Barauni, Begusarai.
16. Kumar Pushphas Son of Narendra Jha resident of Pachvir Ward No. 02, P.S. Sahebpur Samal Distt. Begusarai (Bihar). At present Primary Teacher (Basic Grade), N.P.S., Maheshpura, Begusarai.
 17. Mukesh Kumar Sharma Son of Vivekanand Sharma Resident of Khanjahapur Ward No. 09, District Begusarai (Bihar). At present Primary Teacher (Basic Grade), N.P.S., Aijani Dih, Begusarai.
 18. Dharmendra Kumar Son of Sone Lal Paswan At present Primary Teacher (Basic Grade), U.M.S., Jagdishpur, Begusarai.
 19. Reefat Praveen D/o Shakil Ansari resident of Damodarpur, Ward No. 05, P.O.- Pasopur, District- Begusarai (Bihar). At present Primary Teacher (Basic Grade), Kanya M.S., Dahiya, Begusarai.
 20. Abhishek Kumar Son of Sunil Chaudhary resident of Fateha, Ward No. 01, Bachhwara, Begusarai (Bihar). At present Primary Teacher (Basic Grade), U.M.S., Bhagwanpur, Diyara, Begusarai.
 21. Ajay Kumar Son of Rajendra Thakur resident of Gudari Bazar, Dalsinghsarai, Samastipur (Bihar). At present Primary Teacher (Basic Grade), Govt. M.S., Rasidpur, Begusarai.
 22. Santosh Kumar Son of Upendra Chaudhary resident of Nayanagar, Ward No. 8, Distt. Begusarai (Bihar). At present Primary Teacher (Basic Grade), U.M.S., Rasiyahi, Begusarai.
 23. Vikash Kumar Son of Birendra Sah Resident of Mohiddinagar, Samastipur (Bihar), At present Primary Teacher (Basic Grade), Kanya P.S., Baluahi, Samastipur.
 24. Md. Asad Son of Jaohar resident of Phulwaria- 1, Distt.- Begusarai (Bihar). At present Primary Teacher (Basic Grade), P.S., Singhaul Dih, Begusarai.
 25. Ashutosh Kumar Son of Surendra Kumar Suman resident of Sanjat Ward No. 04, Distt- Begusarai (Bihar). At present Primary Teacher (Basic Grade), U.M.S., Makdhaneshpur, Distt. Samastipur.
 26. Rajesh Kumar Jha Son of Shiv Shankar Jha resident of Sanjat Chauk, Distt. Begusarai (Bihar). At present Primary Teacher (Basic Grade), P.S. Talakhapur Mallah Tola, Dumari.
 27. Ravi Kumar Son of Ram Lakhan Prasad Yadav resident of Village- Dhobauli Ward No. 06, P.S.- Muffasil, District- Begusarai (Bihar). At present Primary Teacher (Graduate Grade) Govt. M.S., Hanspur, Begusarai.
 28. Binod Kumar Sah Son of Nageshwar Prasad Sah resident of Mansurhcak Ward No. 14 Near Middle School, Mansurchak, P.S.- Mansurchak, District- Begusarai (Bihar). At present Primary Teacher (Graduate Grade), U.M.S., Gauspur, Dalsinghsari.
 29. Shailendra Kumar Son of Baidyanath Prasad Sah resident of Loknathpur Ward No. 13 Dalsinghsarai, Distt. Samastipur (Bihar). At present Primary Teacher (Graduate Grade), U.M.S. Bambaia, Harlal.
 30. Mahendra Kumar Son of Rameshwar Mahto Resident of Mohanpur Shiv Mandir Ward No. 01, Sakarbas, Begusarai (Bihar). At present Primary Teacher (Graduate Grade), U.M.S., Charugram, Begusarai.



31. Bipul Kumar Son of Ramakant Chaudhary resident of Rampur Jalalpur, Ward No. 7, Distt- Samastipur (Bihar). At present Primary Teacher (Graduate Grade), U.M.S., Konaiya Dalsinghsarai.
32. Shyamu Kumar Son of Baleshwar Singh resident of Ajargarva, East Champaran (Bihar). At present Primary Teacher (Graduate Grade), M.S., Dhanushi, East Champaran.
33. Saroj Kumar Singh Son of Devendra Prasad Singh resident of Shivmandir Ward No. 08 Majoshdih, P.S. Bachhwara, Distt. Begusarai (Bihar). At present Primary Teacher (Graduate Grade), U.M.S., Narepur Diyara (Anusuchit), Begusarai.
34. Vikash Kumar Son of Sadanand Mishra resident of Hadipur, Ward No. 09 Gahani, District- Begusarai (Bihar). At present Primary Teacher (Graduate Grade), M.S., Malhipur, Begusarai.
35. Mumtaz Begam D/o Md. Wali Ahmad resident of Kairtaul, Distt- Begusarai (Bihar). At present Primary Teacher (Graduate Grade Urdu), U.M.S., Damodarpur, Urdu.
36. Praveen Kumar Son of Lalan Kumar Singh resident of Ganesh Dutta Nagar Hemra, Begusarai (Bihar). At present Primary Teacher (Graduate Grade), U.M.S., Lakhanpur, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary Department of Education, Bihar, Patna.
3. Director Primary Education Bihar, Patna.
4. District Programme Officer, Begusarai.
5. District Education Officer, Begusarai.
6. District Programme Officer, Samastipur.
7. District Education Officer, Samastipur.
8. District Programme Officer, Sitamarhi.
9. District Education Officer, Sitamarhi.
10. Secretary Bihar School Examination Board, Patna.
11. Registrar, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shruti Sinha
For the Respondent/s	:	Smt.Shilpa Singh (Ga12)
For BSEB	:	Md. Syed Arshad Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-02-2020

The issue raised in the present writ application is no



more res integra. This Court has occasion to decide the similar matter in C.W.J.C. No. 16165 of 2019.

The relevant part of the order is quoted hereinbelow:-

“If there is no dispute that the petitioners were sent for training in academic sessions 2013-15 and the course was completed in May, 2017, there is no reason to deny the benefit of trained scale to these petitioners with effect from May, 2017 when the course was completed as the petitioners have completed their training but for the reason best known to the respondents the examination was not held in time and the result was published belatedly along with the junior batch.

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 decision in C.W.J.C. No. 16165 of 2019, the present writ application is also disposed of in the same terms.

(Anil Kumar Upadhyay, J)

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