

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25789 of 2019

1. Umesh Kumar Bhagat S/o- Raghunath Bhagat Resident of Village- Gaura, P.S.- Marhowrah, P.O.- Gaura, District- Saran at present posted as Panchayat Teacher, Primary School Gaura Kanya, Block- Marhowrah, District- Saran.
2. Sunita Kumari D/o- Lakshman Prasad Singh Resident of Villahge- Pithauri Sakrawar Tola, P.S.- Baniyapur, P.O.- Paigambarpur, District- Saran at present posted as Panchayat Teacher, Primary School Gopalpur Kanya, Block- Marhowrah, District- Saran.
3. Amrendra Kumar Manoj S/o- Ramchhapit Ram Resident of Village- Hathisar, P.S.- Marhowrah, P.O.- Gaura, District- Saran at present posted as Panchyat Teacher, Primary School Mahammadpur, Block- Marhowrah, District- Saran.
4. Ghulam Junaid S/o- Baitullah Resident of Village- Chhota Madhopur, P.S.- Taraiya, P.O.- Ushrichanpura, District- Saran at present posted as Panchayat Teacher, Primary School Fakuli, Block- Panapur, District- Saran.
5. Md. Nizamuddin S/o- Md. Moqem Ahmad Resident of Village- Chakdonai, P.S.- Runni Saidpur, P.O.- Runni Saidpur, District- Sitamdahi at present posted as Panchyat Teacher, Panchayat School Sirami, Block- Taraiya, District- Saran.
6. Md. Hanif S/o- Md. Rahimuddin Resident of Village- Sahwan, P.S.- Isuapur, P.O.- Sahwan, District- Saran at present posted as Block Teacher, Middle School Rasidpur Urdu, Block- Taraiya, District- Saran.
7. Md. Azimullah S/o- Md. Kalimullah Ansari Resident of Village- Ashakhaira, P.S.- Baikunthpur, P.O.- Pyarepur, District- Saran at present posted as Block Teacher, Middle School Galimapur Urdu, Block- Taraiya, District- Saran.
8. Nilofer Bano D/o- Rahat Hussain Resident of Village- Chandwara (Darzi Tola), P.S.- Mushahri, P.O.- Ramna, District- Muzaffarpur at present posted as Block Teacher, Middle School Dehudhi, Block- Taraiya, District- Saran.
9. Md. Irshad Alam S/o- Nek Mohammad Resident of Village- Brindaban Shaikh Toli, P.S.- Tariyani, P.O.- Brindaban Bazar, District- Sheohar at present posted as Block Teacher, Middle School Usari Chandpura, Block- Taraiya, District- Saran.
10. Zafar Nawaz S/o- Mazhar Hussain Resident of Village- Hakma, P.S.- Garkha, P.O.- Garkha, District- Saran at present posted as Block Teacher, Government Middle School Taraiya, Block- Taraiya, District- Saran.
11. Md. Sanaullah S/o- Md. Kutubddin Resident of Village- Asha Khaira, P.S.- Baikunthpur, P.O.- Peyarepur, District- Gopalganj at present posted as Block Teacher, Middle School Gawandri, Block- Taraiya, District- Saran.
12. Md. Aslam Ali S/o- Noor Mohammad Resident of Village- Chandpura, P.S.- Taraiya, P.O.- Ushri Chandpura, District- Saran at present posted as Block Teacher, Middle School Chainpura, Block- Taraiya, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.



2. The Chief Secretary, Government of Bihar.
3. The Principal Secretary, Education Department, Bihar, Patna.
4. The Director, Primary Education, Education Department, Bihar, Patna.
5. The Director, State Council of Educational Research, Bihar, Patna.
6. The Chairman, Bihar School Examination Board, Bihar.
7. The Secretary, Bihar School Examination Board, Bihar.
8. The Regional Deputy Director of Education, Saran Division, Chapra.
9. The District Education Officer, District- Saran, Chapra.
10. The District Programme Officer, Establishment, District- Saran, Chapra.
11. District Programme Officer, SSA, District- Saran, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-02-2020 Heard the parties.

Learned counsel for the petitioner submits that similar issue was considered by this Court in C.W.J.C. No. 16165 of 2019 and vide order dated 9.8.2019 the writ petition was disposed of.

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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