

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2053 of 2020

1. Amar Kumar son of Bimlendra Kumar Mahto, resident of village- Deni, PO- Kajha, PS- K. Nager, District- Purnia.
2. Vandana Kumari, wife of Nirmal Kumar Paswan, Resident of village- Harishchandra pur, Po- Jalalgarh, PS- Galalgrh, District- Purnia.
3. Puja Kumari, Wife of Santosh Kumar, resident of village- Bhoothnath Mandir, Prabhat Colony, Po and PS and District- Purnia.
4. Rafique Alam, son of Shan M Mohammad, resident of village- Kola, Ward no. 05, PO- Satkodariya Gangaili, PS and District- Purnia.
5. Hasibur Rahman, son of Matiur Rahman, resident of village- Sausa, PO- Goasi, PS- K. Nagar, District- Purnia.
6. Md. Istyaque, son of Md. Jalaluddin, resident of village- Ward no. 10 Chakla, PO- Rahua, PS and District- Purnia.
7. Md. Ekramul Haque, son of Md. Quamrul Haque, resident of village- Chakla, Po- Rahua, PS and District- Purnai.
8. Md. Maskoor Alam, son of Fajar Ali, resident of village- Dev Nagar, PO- Jhunni Istambrar, District- Purnia.
9. Md Khushnawaz Ahmed, son of Md. Khalil Ahmed, resident of village- Madhubani, PO- Gandhi Nagar, PS and District- Purnia.
10. Raj Kumar, son of Kanhaiya Lal Kashri, resident of village- Churipatti Chowk, Madhubani, PS and District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Education Department, government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, patna.
3. The regional Deputy Director of Education Purnia.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment) Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Sheel Bhadra Jha, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (GP-17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2020

The issue raised in the present writ petition is no more res integra. Similar issue was decided by this Court in



CWJC No. 16165 of 2019.

In order to maintain consistency, the present writ petition is disposed of in terms of the order dated 9.8.2019 passed in CWJC No. 16165 of 2019. The relevant part of the order runs as under:

“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.”

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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