

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5359 of 2020

1. Md. Tauhid Alam Son of Md. Fakhruddin Resident of Jiyanganj, P.O.- Matkopa, P.S.- Kasba, District- Purnea.
2. Shashi Bhushan Rai Son of Vijay Bahadur Rai Resident of Khalwa, P.S.- Nautan, District- Siwan.
3. Rajesh Kumar Dubey Son of Uma Shankar Dubey Resident of Bindusar Buzurg, P.O.- Bindusar Buzurg, P.S.- Mahadeva, District- Siwan.
4. Kumari Asha Rani Daughter of Ramji Gupta Resident of Motichhapar Thana Road, Ward No.4, P.O. and P.S.- Mairwa, District- Siwan.
5. Sunita Bharti Daughter of Mainekar Sah Resident of Rajendra Nagar, Gali No.4, P.O. and P.S.- Nagar, District- Siwan.
6. Durgawati Kumari Daughter of Haricharan Ram Resident of Bhatwalia, P.S.- Muffasil, District- Siwan.
7. Satyadev Sah Son of Sajiwan Sah Resident of Bali Punak, P.S.-Darauli, District- Siwan.
8. Tabassum Parveen Wife of Shawkat Yunus Resident of Baniya Toli, Puranai Killa, P.S.- Nagar, District- Siwan.
9. Manish Kumar Son of Chhotelal Prasad Resident of Motichhapar, Post-Mairwa, P.S.- Mairwa, District- Siwan.
10. Pankaj Kumar Srivastava Son of Yogendra Prasad Resident of Jay Prakash Nagar, P.S.- Nagar, District- Siwan.
11. Rekha Kumari Daughter of Kashinath Prasad Resident of Nama Bazar, P.S.- Siwan, District- Siwan.
12. Parasnath Ram Son of Lalbabu Ram Resident of English, P.S.- Mairwa, District- Siwan.
13. Sanjay Kumar Prajapati Son of Radheshayam Pandit Resident of Mahuwari, P.O.- Mahamadpur, P.S.- Siwan, District- Siwan.
14. Punam Kumari Daughter of Jayhind Singh Resident of Badakagaw, P.O.- Badakagaw, P.S.- Bhagawanpur, District- Siwan.
15. Rubi Fatma Daughter of Ahmad Husain Resident of Chainpur, P.S.- Siwan, District- Siwan.
16. Mohammad Rizwan Mustafa Son of Md. Ashique Ali Resident of Raghepura, P.O.- Barha, P.S.- Bisfi, District- Madhubani.
17. Santosh Kumar Giri Son of Ramprit Giri Resident of Barhan Mathiya, P.O.- Barhan Gopal, P.S.- Mufasil, District- Siwan.
18. Tajuddin Son of Md. Karim Resident of Shahi Takiya, P.O.- Lakri Dargah, P.S.- Barhariya, District- Siwan.
19. Usha Kumari Daughter of Hari Prasad Resident of Jamapur, P.S.- Ziradei, District- Siwan.
20. Munna Kumar Ram Son of Chandrama Ram Resident of Pandeji, P.O.- Jaijor, P.S.- Andar, District- Siwan.



21. Fozia Haque Wife of Shah Nawaz Resident of Chain Chapra, P.O.- Barharia, P.S.- Barharia, District- Siwan.
22. Baby Tabassum Naz Daughter of Nihar Ahmad Resident of Hasan Pura, P.O.- Balshohi, P.S.- Bhagwanpur, District- Siwan.
23. Rehana Parween Daughter of Rajaur Rahman Resident of Mardapur, P.O.- Barhan Gopal, P.S.- Siwan, District- Siwan.
24. Sujata Kumari Daughter of Sitaram Prasad Singh Resident of Barhan Gopal, P.S.- Siwan, District- Siwan.
25. Subhash Ram Son of Biricha Ram Resident of Barhan Gopal, P.S.- Siwan, District- Siwan.
26. Laxmina Devi Wife of Satish Prasad Resident of Kabirpur, P.S.- Mairwa, District- Siwan.
27. Geeta Kumari Wife of Sreenivas Sah Resident of Sirisiya, P.S.- Nautan, District- Siwan.
28. Suganti Kumari Wife of Mukesh Kumar Ram Resident of Tilampur, P.O.- Shahpur, P.S.- Nautan, District- Siwan.
29. Rakesh Ram Son of Dip Ram Resident of Chhap Ka Tola, P.O.- Chhap Mathiya, P.S.- Mirganj, District- Gopalganj.
30. Poonam Joshi Wife of Sanjay Kumar Joshi Resident of Bhulauni, P.O.- Semariya, P.S.- Nautan, District- Siwan.
31. Tarkeshwar Yadav Son of Ramnath Yadav Resident of Ojha ke Badheya, P.O.- Ojha Ke Badheya, P.S.- Ziradei, District- Siwan.
32. Babunand Chaudhari Son of Bhagarashan Chaudhari Resident of Nandpali, P.O.- Bhaiskhal, P.S.- Ziradei, District- Siwan.
33. Chanda Kumari Daughter of Luxman Sah Resident of Machakana, P.S.- Ander, District- Siwan.
34. Reema Kumari Daughter of Jaganath Baitha Resident of Darauli, P.S.- Darauli, District- Siwan.
35. Tabassum Parweenn Daughter of Abdul Quddus Khan Resident of Darauli, P.S.- Darauli, District- Siwan.
36. Ritu Gupta Daughter of Mahesh Prasad Gupta Resident of Balahun, P.O.- Pihuli, P.S.- Asaw, District- Siwan.
37. Hareram Prasad Son of Rangila Prasad Resident of Khurmabad, P.O.- Siwan, P.S.- Siwan, District- Siwan.
38. Sarita Devi Daughter of Bhujan Prasad Chaudhary Resident of Rula Bangara, P.S.- Ziradei, District- Siwan.
39. Raj Kumar Gupta Son of Mohan Prasad Resident of Jamo Bajar, P.S.- Jamo Bajar, District- Siwan.
40. Kumari Maya Bharti Daughte of Bhrigurashan Bharti Resident of Barhan Gopal, P.S.- Mufassil, District- Siwan.
41. Archana Kumari Daughter of Ajit Kumar Srivastava Resident of Lakatola, P.S.- Goreyakothi, District- Siwan.
42. Manisha Shree Daughter of Prem Kumar Resident of Bindusar Buzurg, P.S.-



Mahdeva, District- Siwan.

43. Mukesh Kumar Ram Son of Hira Lal Ram Resident of Patar, P.S.- Radhunathpur, District- Siwan.
44. Rupesh Kumar Yadav Son of Swaminath Chaudhary Resident of Pratappur, P.S.- Nautan, District- Siwan.
45. Bushra Parvin Daughter of Imteyaz Ahmad Manzoor Resident of Shaikhpura, P.S.- Gorea Kothi, District- Siwan.
46. Rita Kumari Daughter of Dharmdeo Mishra Resident of Mahuari, P.S.- Maharajganj, District- Siwan.
47. Nipu Kumari Daughter of Krishan Kumar Singh Resident of Chainpur, P.S.- Gorea Kothi, District- Siwan.
48. Sweety Rani Daughter of Bhulan Sah Resident of Jamo Jalalpur, P.S.- Jamo Bazar, District- Siwan.
49. Shagufta Parween Daughter of Sajjad Husain Resident of Shafi Chapra, P.O.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director Primary Education, Government of Bihar, Patna.
3. The District Education Officer Siwan.
4. The District Program Officer, Establishment Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Adv.
For the Respondent/s : Ms. Binita Singh (SC-28)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 29-11-2022

1. Heard the parties.

2. The petitioners have passed their D.El.Ed course though belatedly while they were sent for training in the academic year 2013 and the training was completed in 2015. The Bihar School Examination Board conducted the examinations in 2018 and the result was declared in 2019.



Without there being any fault on their part, their training was delayed.

3. This Court in C.W.J.C. No. 16165 of 2019 (Kishor Kumar & Ors. Vrs. The State of Bihar & Ors.) vide its Judgment dated 09.08.2019 examined the similar issue and held as under:-

“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.”

4. Learned counsel submits that the case of the petitioners is similar to the said petitioners and the petition was decided by the Coordinate Bench.

5. Learned counsel appearing for the respondents while does not deny that the issue involved has been decided by the Coordinate Bench but submits further that in cases of relating to B.Ed qualification, the candidate is required to do a



bridge course and it is only after the concerned person has passed the bridge course that he is to be treated as trained.

6. I have considered the submissions, the aforesaid proposition of law as argued by the learned counsel for the respondents State is with reference to those who have undergone the bridge course, however the case of the petitioners is relating to having completed D.El.Ed training, whereafter the exam was conducted belatedly on account of the fault of the State. The Coordinate Bench has given the benefit to the similarly placed persons. The petitioners too would, therefore, be entitled to the same benefit of being treated to be entitled for trained scale from the date they completed the training and not from the date the result of the examination was declared.

7. The writ petition is allowed to the said extent.

8. The consequential orders shall be passed by the State Government within a period of three months.

(Sanjeev Prakash Sharma, J)

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