

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10690 of 2023

1. Chandan Kumar Son of Ravindra Chandra Deoray, Resident of Village - Belbagh Colony, P.O-Bettiah, P.S.-Bettiah Mufassil, District - West Champaran, Bihar,
2. Binod Ram Son of Dhruv Ram, Resident of Village - Barwat Pasrain, P.O-Barwat Pasrain, P.S.-Mufassil Bettiah, District - West Champaran, Bihar.
3. Sikander Ram Bharti, Son of Late Ramashray Ram, Resident of Village - Purandarpur, P.O-Khadda Kunjlahi, P.S.-Nautan, District - West Champaran, Bihar,
4. Ashok Kumar, Son of Late Gopal Jee, Resident of Village Kamal Nath Nagar, P.O-Bettiah, P.S.- Bettiah, District West - Champaran, Bihar.
5. Anup Kumar Son of Vijay Mahato, Resident of Village - Prayagawa, P.O-Yogapatti, P.S.- Yogapatti, District- West Champaran, Bihar,
6. Ashok Kumar Chaudhari, Son of Baidyanath Baitha, Resident of Village Banuchhapar, Sant Kabir Road, (Near Primary School), P.O-Banuchhapar, P.S.- Banuchhapar (O.P), District West Champaran, Bihar.
7. Sanjay Kumar Son of Dinanath Raut, Resident of Village - Bhaura, P.O-Bhaura, P.S.- Balthar, District - West Champaran, Bihar.
8. Banita Kumari Husband of Ramadhar Baitha, Resident of Village - Ghusurpur, Kalibagh, Bettiah, P.O-Bettiah, P.S.- Bettiah, District - West Champaran, Bihar.
9. Azad Kumar Son of Bhagelu Ram, Resident of Village - Kathaiya, P.O-Kathaiya, P.S. Majhauria, District West Champaran, Bihar.
10. Manish Kumar Son of Shankar Prasad, Resident of Village - Kaviwar Nepali Path, Near-Power House, Panitanki, P.O- Bettiah, P.S.- Bettiah, District - West Champaran, Bihar.
11. Abha Kumari Husband of Ravindra Kumar Srivastava, Resident of Village Orient Club Lane Amgola, P.O-Ramna, - P.S.-Kazi Muhammadpur, District Muzaffarpur, Bihar.
12. Sanjeev Kumar Singh Son of Awadhesh Narayan Singh, Resident of Village Gauchari, P.O- Gauchari, P.S.- Balthar, District - West Champaran, Bihar.

... .. Petitioners

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The District Education Officer, West Champaran (Bettiah).
5. The District Programme Officer (Establishment), West Champaran (Bettiah).
6. The Block Education Officer, Yogapatti, West Champaran (Bettiah).



7. The Block Education Officer, Mainatand, West Champaran (Bettiah).
8. The Block Education Officer, Bagaha-2, West Champaran (Bettiah).
9. The Block Education Officer, Bairiya, West Champaran(Bettiah).
10. The Block Education Officer, Chanpatiya, West Champaran (Bettiah).
11. The Block Education Officer, Sikta, West Champaran (Bettiah).
12. The Block Education Officer, Majhwaliya, West Champaran (Bettiah).

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Satyam Shivam Sundaram, Advocate
For the Respondent/s : Mr.Madan Jeet Kumar (Gp 20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioners and the
State.

2. Writ petition has been filed for a direction to the respondents to allow the trained pay scale to the petitioners with effect from the date of completion of their D.El.ED. Training i.e., 31.5.2017 (Sessions 2015-17) as well as for a direction to grant the benefit of seniority to the petitioners with effect from the date of their completion of training i.e., 31.5.2017. It is also prayed for a declaration that the petitioners are entitled of the benefit of trained pay scale and the seniority from the date of completion of their training.

3.Learned counsel for the petitioners submit that the petitioners were appointed as untrained teachers and as per the service conditions, they were sent for training for the academic year 2013-15.Course was completed in May, 2017 and thereafter the



examination was held in November, 2018. Respondents have taken their own time in publishing the result and, in fact, result was published in March, 2019 along with the result of next junior batch. Learned counsel further submits that petitioners cannot be made to suffer on account of lapse of the respondents in holding the examination and publishing result. He submits that when the academic course was completed in May, 2017, respondents consumed more than one year six months in holding examination and thereafter they took four months in publishing the result. For their delay in holding the examination and publishing result, petitioners cannot be made to suffer adversely in the matter of payment of the benefit of trained scale. 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.

4. Counter affidavit has been filed on behalf of respondent no.4 and 5. It is stated that admittedly petitioners



completed their teacher training D.El.Ed in session 2015-2017 on dated 31.05.2017 but the result of the aforesaid D.El.Ed training was published on 19.01.2019 and his pay fixation have been done from the date of publication of result. It is further stated that in view of observation of this Court vide order dated 19.10.2022, passed in C.W.J.C No. 16214 of 2019 (Md. Aatur Rahman and others Vs. State and other) as well as Regulation 15 of the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2012, teachers who have passed the training course shall be considered freshly appointed from the date, they acquired training and the result is published.

5. Considering the aforesaid, 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 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** got 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.**

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 four weeks from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ petition stands disposed of.

Shashi

(Prabhat Kumar Singh, J)

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