

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2080 of 2026

1. Santosh Kumar S/o-Late Fanindra Sharan Sah, Resident at Ramna Road, P.S.-Pirbhahore, Distt. and Town-Patna, Presently posted as Panchayat Teacher at Primary School Bodhgawan JH, Patna Sadar Phulwarisharif.
2. Vidhyanand Ram, S/O- Bechan Ram, Resident of village- ward No.-8 Hardi Pachchim, P.S-Supaul, Distt. Supaul, Bihar Presently Posted as Block Teacher at Middle School Baijnathpur Kishanganj, Supaul.
3. Nitu Kumari, D/O- Ramesh Chaudhary, Resident of village-ward No.-4 Kishanpur Road, P.S. Supaul, Distt- Supaul Bihar Presently Posted Panchayat Teacher at Primary School Chainsingh Patti Supaul.
4. Bablu Kumar, son of Shivnandan Sah, R/V- Kariho, PS. Supaul, Distt-Supaul Bihar, Presently Posted as Panchayat Teacher at Primary School Khan Tola Parsa.
5. Anuj Anand, S/o- Binod Kumar, Resident of ward No.-3 west of P.H.E.D. Office Anand Vihar Madhepura, P.S.-Madhepura, Distt.-Madhepura. Presently Posted as Primary Teacher at Upgraded Middle School Kumarkhand Madhepura.
6. Yasbant Kumar, S/o- Yogendra Kumar, Resident of ward No.-05 Suraj Niwas P.S. Madhepura, Distt. Madhepura, Presently Posted as Pramary Teacher Basic Grade at upgraded Middle School Kumar khand Madhepura.
7. Sanjeet Kumar, S/o-Baidyanath Prasad Gupta, Resident of ward No.-24 Bhirkhl Mission Road Madhepura, P.S.-Madhepura, Distt.-Madhubani, Pincode-847410 Presently Posted at as Basic Grade Teacher at Middle School Raghinia Kumar Khand Madhepura.
8. Anwar Nshim, S/O- Md. Zalal Uddin, Resident of village-ward No.-22, Husun Tola, P.S.-Supaul, Distt.-Supaul Bihar, Presently Panchayat Teacher at Urdu Primary School Kathara Kishunpur.
9. Abdul Jabbar, S/o.-Mohammad Ismail Ansari, Resident of ward No.-16 Kharel Punawassupaul, P.S.-Supaul, Distt.-Supaul Presently posted as Prakhand Teacher at Tak NR. U.M.S. Babhani South Gamhariya Madhepura.
10. Md. Shahnawaz Alam, S/o-Md. Badshah, Resident of village ward no. 04, Near Panchayat Bhawan, P.S Dandari, Distt- Begusarai, Bihar, Presently Posted as Prakhand Teacher at M.S. Hasahanpur Begusarai.
11. Md. Muslim Alam, S/O-Md. Siddique, Resident of Hussain Tola ward No.-22 Supaul, P.S. Supaul, Distt. -Supaul Bihar, Presently Posted as Prakhand Teacher at Middle School Malhani Tola Supaul.
12. Md. Salam Ansari, S/O- Md. Alauddin, Resident at Near National Public School Momin Tola ward No. 22, P.S.-Supaul, Distt- supaul Bihar, Presently Posted as Nagar Teacher at Urdu Middle School Supaul.
13. Md. Noor Alam, S/O- Md. Faruque, Resident of ward No.-03, Bela Parasmani Ghuran, P.S.-Supaul, Distt- Supaul Bihar. Presently Posted as Primary Graduate Teacher at Upgraded Middle School Bihariganj Madhepura.
14. Zinat Perween, W/O-Md. Shamim Akhter, Resident of village- Husun Tola



Ward No.-22, P.S.-Supaul, Distt.- Supaul Bihar, Presently posted as Nagar Teacher at Primary School Koshi Colony Supaul.

15. Md. Parwez Alam, S/o- Md. Ehsnul Haque, Resident of ward No.-22 Hussain Chowk Supaul, P.S.-Supaul, Distt. -Supaul, Bihar Presently Posted as Prakhand Teacher at upgraded Middle School Dhadi Dhatta Dakshin Kishanpur Supaul.
16. Nitish Kumar, S/o- Parmeshwari Mehta, Resident of village- Chaughara, P.O.-Herdi, P.S.-Supaul, Distt- Supaul, Bihar, Presently Posted as Panchayat Teacher at Primary Teacher Ghoraghat Kushar Supaul.
17. Md. Jamaluddin, S/o. Abdul Qadir, Resident of ward No.-04 Madhura, P.O.- Chauhatta Rajpur, P.S.-Kishanpur, Distt.-Supaul, Presently posted as Urdu Nagar Teacher at Middle School Purnarwas Supaul.
18. Shashi Ranjan Kumar, S/o-Jagannath Mehta, Resident of village Nirmali ward No.-07 VTC, P.S.-Pipra, Distt. Supaul, Presently Posted as Basic Grade Teacher at Middle School Tikuliya Supaul.
19. Anoj Kumar, S/o Nand Kishore Ram, Resident of village-ward No.-13 Jagjvan Ashram Madhepura, P.S.-Madhepura, Distt.- Madhepura, Pincode-851204. Presently Posted as Primary Graduate Grade Teacher at upgraded Middle School Kursandi Puraini Madhepura.
20. Nitish Kumar, S/O- Parmeshwari Mehta, Resident of Mohalla- Lakshminiya ward No.-13 VTC- Hardi, P.S.-Supaul, Distt.-Supaul, at Present Posted as Prakhand Teacher posted at Kataiya Supaul.
21. Shiv Narayan Kumar, S/O- Sukhdeo Ram Resident of village-Thumha ward No.-07 P.O and P.S.-Supaul Bihar, Presently Posted as Prakhand Teacher at U.M.S. Gamhariya, Madhepura.
22. Dinesh Kumar, S/o- Sahdeo Sharma, Resident at 243 Pakar School Road Pakari Vishunpur, Distt.-Patna, Presently Posted as Nagar Teacher at Gove. Middle School Mirdha Toli Gulzarbagh, Patna Sadar.
23. Shashi Shekhar Prasad, S/o- Prabhu Ram, Resident of village- Laualagan, P.S Chau ga. Distt. Madhepura, Presently posted as Primary Basic Grade Teacher at Upgraded Middle School chausa Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar Patna.
2. The Chief Secretary, Govt. of Bihar Patna.
3. The Addl. Chief Secretary, Education Department, Govt of Bihar Patna.
4. The Director, Primary Education, Govt. of Bihar Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No.1, Adv.
For the Respondent/s	:	Mr. Sitaram Yadav, GP-16
		Mr. Yatindra Narayan, AC to GP-16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-02-2026

Heard the parties.



2. The batch of writ petitioners was duly appointed as untrained Panchayat/Prakhand/Nagar Teachers in the year 2013-2016 by the competent authority. Despite having their appointments been made with a clear stipulations that the petitioners shall be sent for teachers training to their respective training colleges, they had been sent belatedly. Even though the petitioners have duly appeared in the examination, but their results have been published with a further delay and thereby, depriving them from trained scale for a pretty long time, without there being any fault on their part.

3. Identical issue has come up for consideration before this Court in case of ***Kishor Kumar & Ors. Vs. The State of Bihar & Ors., CWJC No. 16165 of 2019***, which came to be disposed off on 09.08.2019, by observing as follows:-

*“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. Mr. Mukesh Kumar No. 1, learned Advocate for the petitioners submitted that identically situated persons also approached this Court in **CWJC No. 7938 of 2020 (Manoj Kumar & Ors. Vs. The State of Bihar & Ors.)** with other analogous writ petitions, which came to be disposed off in the light of the aforementioned decisions on 01.02.2021. Aggrieved with the order passed by learned Single Judge, the State has unsuccessfully preferred letters patent appeal bearing LPA No. 456 of 2021, which came to be dismissed on 03.04.2025.

5. Referring to the aforementioned decisions, it is submitted that despite the issue having been settled up to the Division Bench of this Court, the petitioners have not been accorded the identical relief in the light of the Bihar State



Litigation Policy especially Clause 4 (c) (i) thereof. Hence, the present application.

6. Learned Advocate for the State though did not confront with the legal position, however it is apprised to this Court that against the order passed by the Division Bench in LPA No. 456 of 2021, the State has preferred SLP (Diary) No. 66035 of 2025 dated 17.11.2025.

7. At this juncture, learned Advocate for the petitioner submitted that the SLP preferred by the State of Bihar also came to be dismissed on 15.01.2026, hence there is no impediment in extending the benefit in terms with the order passed by this Court in ***Kishor Kumar & Ors.*** (supra) as well as the order passed in CWJC No. 7938 of 2020 (***Manoj Kumar & Ors. Vs. The State of Bihar & Ors.***) duly affirmed by the learned Division Bench in LPA No. 456 of 2021.

8. Having considered the facts in the writ petition as well as the position in law crystalized by the learned Single Judge as well as Division Bench of this Court, this Court deems it apt and proper to dispose off the present writ petition with a liberty to the petitioner to file separate representations, preferably within a period of four weeks from today.

9. In case, such representation is/are filed before the



respondent no. 4, he shall take up the same and bring to its logical conclusion preferably within a period of further eight weeks, keeping in mind the observations and the discussions made hereinabove, as also the Bihar State Litigation Policy, specially Rule 4(C)(1) thereof.

10. It is made clear that if the claim of the petitioners find identical to those who have been accorded the relief as prayed for in the writ petition, the identical relief must be accorded to the petitioner.

(Harish Kumar, J)

supratim/-

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