

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16165 of 2019

1. Kishor Kumar Son of Shri Bindeshwar Mishra, Resident of Teachers Colony, Chhat Pokhar, Bhatha Bazar, Police Station- K.Hat, District- Purnea.
2. Pappu Rajak, Son of Shri Prithwi Rajak Resident of Kali Mandir, Panchwati Colony, Bhatha Bazar, Police Station - K. Hat, District- Purnea.
3. Alok Kashyap, Son of Shri vinay Kumar, Resident of New Sipahi Tola Colony, Near Kutai Sah Memorial, Police Station- KHat, District- Purnea.
4. Santosh Kuamr Singh, Son of late Mathura Prasad Singh, Resident of Ward No. 13 Village and P.O.- Golma, District- Saharsa.
5. Rukhsana Khatun, Wife of Abdul Rashid, Resident of Village- Ratni, Police Station- Kadwa, District- Katihar.
6. Sanowar Alam Son of not known Resident of Village- Parbhali, Police Station- Kadwa, District- Katihar.
7. Rakhi Kumari, Daughter of Kailash Prasad Sah, Resident of Mangal bazar, Shyam Talkies Road, Police Station- Katihar Town District- katihar.
8. Archana Devi, Daughter of Gopal Das and wife of Anil Kumar, Resident of Village and P.O.- Sagrah, Police Station- Kadwa District- Katihar.
9. Kumari Shipra Swarup, Daughter of Muni Lal Sah and wife of Mahesh Kumar Sah, Resident of Madarghat Durga Mandir Police Station- kasba, District- Purnea.
10. Supriya, Daughter of Rama Kant Das, Resident of Village- Kumhri, Police Station- Kadwa, District- Katihar.
11. Priya Ranjan Ravi, Son of Sri Bhuwaneshwar Prasad Yadav, Resident of Village and P.O.- Rahua, Police Station- K. Nagar, District- Purnea.
12. Bajrang Rajak, Son of Mahadeo Rajak, Resident of Subhash Nagar (Near Water Tank), Police Station- Sadar, District- Purnea.
13. Vibha Kumari, Wife of Kishor Kumar, Resident of Village and P.O.- Sagrah, Police Station- Kadwa, District- Katihar.
14. Rani Kumari, Daughter of Dinesh Rajak and wif eof Shambhu Kumar Rajak, Resident of Village- Dhuriya, Police Station- Dadwa, District- Katihar.
15. Kumari Ekta, Wife of Dharmendra Nath Thakur Resident of Village and P.O.- Bharri, Police Station- Dadwa, District- Katihar.
16. Vidyanand Paswan, Son of Vimal Kumar Paswan, Resident of Teja Tola West, Krishnapuri, Ward No. 2, P.O., Police Station and District- Katihar.
17. Kumari Rekha Daughter of Patil Chandra Sah, Resident of at and P.O.- madrghat, Police Station- Kasba, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department Government of Bihar, Patna.



2. The Director, Primary Education, Government of Bihar, patna.
3. The Regional Deputy Director of Education, Purnea at and P.O.- Purnea.
4. The District Education Officer, Katihar at and P.O.- Katihar.
5. The District Programme Officer (Establishment), Katihar at and P.O.- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeeva Roy, Advocate

For the Respondent/s : Mr.Arvind Kumar, AC to GP 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The grievance of the petitioners in the present writ petition is against the arbitrary decision of the respondents in granting the benefit of trained scale.

Learned counsel for the petitioner would submit that the petitioners were sent for training for the academic year 2013-15. The Course was completed in May, 2017 and thereafter the examination was held in November, 2018. The respondents have taken their own time in publishing the result and, in fact, the result was published in March, 2019 along with the result of next junior batch.

Mr. Rajeev Roy, learned counsel for the petitioners would submit that the petitioners cannot be made to suffer on account of lapse of the respondents in holding the examination



and publishing result. Taking the case at the last ebb, Mr. Roy submits that when the academic course was completed in May, 2017, the 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 the 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.

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.

(Anil Kumar Upadhyay, J)

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