

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2923 of 2014

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1. Badri Pandit Son Of Late Bindeshwari Pandit R/O Village - Ramani, P.O. Gangapur, P.S. Murliganj, District - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department Bihar, Patna
3. The Director, Primary Education, Bihar, Patna.
4. The Joint Secretary, Education Department, Bihar, Patna
5. The District Education Officer, Supaul
6. The Block Education Officer Kishanpur, District - Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Respondent/s : Mr. Manish Kumar, GP 8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

Annexure – 3 is the order by virtue of which petitioner's appointment as an Assistant Teacher has been set aside. The reason for setting aside his appointment is the so-called degree which he has obtained from an institution, which has been shown to be one of the institutions in the list of fake institutions issued by the UGC. What is the institution known as Varanaseva Sanskrit Vishwavidyalaya, Varanasi is not evident from the pleading of the petitioner.

A counter affidavit of the State was served and filed taking such a plea way back in February 2014. No rejoinder has been filed by the petitioner asserting the genuineness of the University or annexed any material to show that what has been stated by the respondents or their position including an order contained in

Annexure- A dated 9.5.2012 issued under the signature of the Joint Secretary, Education Department, Government of Bihar is not correct.

No person can claim a right to be appointed or continue in service if he does not have valid educational qualification. Teaching is a very serious business. An appointment made on such fake degrees or non- recognized such degrees may beget employment to a candidate but surely the future of the students, who are going to be taught by such teachers, is bound to become bleak. Such risk, therefore, cannot be taken either by the respondent State and the Court. This Court in fact cannot be unmindful of the recent constitutional amendment incorporated as Article 21A by which right to education is a fundamental right.

For the reasons as above, the removal of the petitioner from the post of Assistant Teacher is not required to be interfered with because he has no valid degree in his possession.

(Ajay Kumar Tripathi, J)

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