

IN THE HIGH COURT OF JUDICATURE AT PATNA

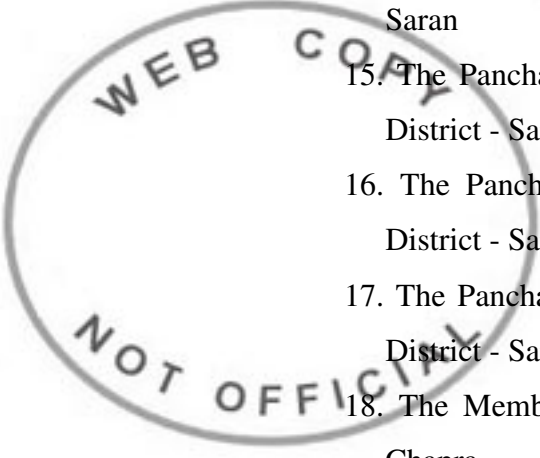
Civil Writ Jurisdiction Case No.23280 of 2013

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1. Mamta Kumari Daughter Of Shri Sachchidanand Singh, Wife Of Shri Satish Kumar Resident Of Village - Pithauri, Police Station - Baniapur, District - Saran, At Present Posted And Working As Panchayat / Prakhhand Teacher In Govt. Upgraded Middle School Usati, Anchal Baniapur, District - Saran
 2. Vijay Kumar Rai Son Of Late Dudhnath Rai Resident Of Village - Pachuan, Police Station - Ekma, District - Saran, At Present Posted And Working As Panchayat / Prakhhand Teacher In Govt. Primary School Pachuan Harijan Toli, Anchal Ekma, District - Saran
 3. Pawan Kumar Chaudhary Son Of Krishna Chaudhary Resident Of Village O. Bhagwanpur Hat, Police Station - Bhagwanpur Hat, District - Siwan, At Present Posted And Working As Panchayat Teacher In Govt. Primary School Najiba, Anchal Baniapur, District - Saran
 4. Munna Kumar Chaudhary Son Of Shri Jaglal Chaudhary Resident Of Village O. Bhagwanpur Hat, Police Station - Bhagwanpur Hat, District - Siwan, At Present Posted And Working As Panchayat Teacher In Govt. Primary School Najiba, Anchal Baniapur, District - Saran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Saran at Chapra
5. The Deputy Development Commissioner - Cum - Chairman, District Education Establishment Committee, Saran at Chapra
6. The District Education Officer, Saran at Chapra
7. The District Programme Officer (Establishment), Saran at Chapra
8. The Block Development Officer, Baniapur, District - Saran
9. The Block Development Officer, Ekma, District - Saran
10. The Block Education Officer, Baniapur, District - Saran
11. The Block Education Officer, Ekma, District - Saran
12. The Mukhiya of Gram Panchayat Raj Pithauri, Block - Baniapur, District - Saran

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13. The Mukhiya of Gram Panchayat Raj Pachuan, Block -Ekma, District - Saran
 14. The Mukhiya of Gram Panchayat Raj Dhawari, Block - Baniapur, District - Saran
 15. The Panchayat Secretary of Gram Panchayat Raj Pithauri, Block - Baniapur, District - Saran
 16. The Panchayat Secretary of Gram Panchayat Raj Pachuan, Block - Ekma, District - Saran
 17. The Panchayat Secretary of Gram Panchayat Raj Dhawari, Block - Baniapur, District - Saran
 18. The Member, District Teacher'S Employment Appellate Authority, Saran at Chapra
 19. The Headmaster, Govt. Of Upgraded Middle School Usati, Anchal Baniapur, District - Saran
 20. The Headmaster, Govt. Primary School Pachuan Harijan Toli, Anchal Ekma, District - Saran
 21. The Headmaster, Govt. Primary School Najiba, Anchal Baniapur, District - Saran

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 23311 of 2013

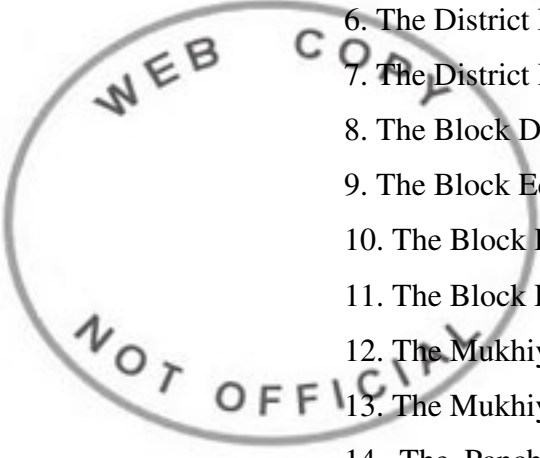
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1. Rita Kumari Daughter of Shri Hari Narayan Prasad, Wife of Shri Jai Ram Rai
Resident of Village O. Narharpur, Police Station Marhowrah, District - Saran,
At Present Posted and Working as Panchayat Teacher in Newly Created Primary
School Kashi Tiwari Ke Tola, Anchal Jalalpur, District - Saran
2. Sunita Kumari Daughter Of Shri Bindeshwari Rai, Wife Of Shri Hare Ram Rai
Resident Of Village O. Narharpur, Police Station Marhowrah, District - Saran,
At Present Posted And Working As Panchayat / Prakhand Teacher In Govt.
Upgraded Middle School Mirzapur, Anchal Baniapur, District - Saran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Saran at Chapra

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5. The Deputy Development Commissioner - Cum - Chairman, District Education Establishment Committee, Saran at Chapra
 6. The District Education Officer, Saran at Chapra
 7. The District Programme Officer (Establishment), Saran at Chapra
 8. The Block Development Officer, Jalalpur, District - Saran
 9. The Block Education Officer, Baniapur, District - Saran
 10. The Block Education Officer, Jalalpur, District - Saran
 11. The Block Education Officer, Baniapur, District - Saran
 12. The Mukhiya of Gram Panchayat Raj Sawari, Block - Jalalpur, District - Saran
 13. The Mukhiya of Gram Panchayat Raj Pithauri, Block - Jalalpur, District - Saran
 14. The Panchayat Secretary of Gram Panchayat Raj Sawari, Block - Jalalpur, District - Saran
 15. The Panchayat Secretary of Gram Panchayat Raj Pithouri, Block - Baniapur, District - Saran
 16. The Member, District Teacher'S Employment Appellate Authority, Saran at Chapra
 17. The Headmaster, Newly Created Primary School Kashi Tiwari Ke Tola, Anchal Jalalpur, District - Saran
 18. The Headmaster, Govt. Of Upgraded Middle School Mirzapur, Anchal Baniapur, District - Saran

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 23336 of 2013

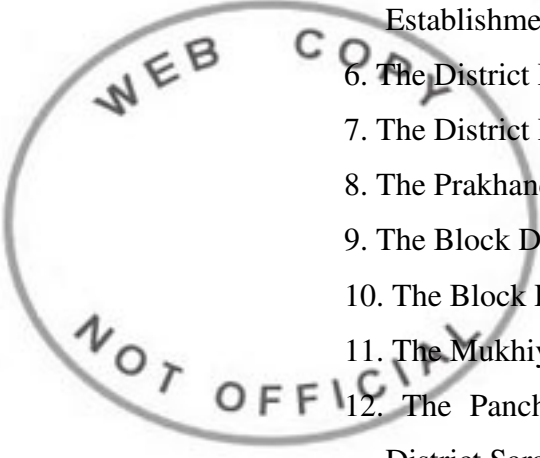
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1. Kumari Reeta D/O Shri Bashawan Prasad W/O Shri Birendra Kumar Manjhi Resident Of Village Lavkushpur, Police Station Chapra Mufassil, District Saran (Chapra), At Present Posted And Working As Prakhand Teacher In Govt. Upgraded Kanya Middle School Jalalpur Bazar, Anchal Jalalpur, District Saran (Chapra).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.

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4. The District Magistrate, Saran at Chapra.
 5. The Deputy Development Commissioner-Cum-Chairman, District Education Establishment Committee, Saran at Chapra.
 6. The District Education Officer, Saran at Chapra.
 7. The District Programme Officer (Establishment), Saran at Chapra.
 8. The Prakhand Pramukh, Jalalpur Prakhand, District Saran.
 9. The Block Development Officer, Jalalpur, District Saran.
 10. The Block Education Officer, Jalalpur, District Saran.
 11. The Mukhiya of Gram Panchayat Raj Sawari, Block Jalalpur, District Saran.
 12. The Panchayat Secretary of Gram Panchayat Raj Sawari, Block Jalalpur, District Saran.
 13. The Member, District Teacher'S Employment Appellat Authority, Saran at Chapra.
 14. The Headmaster, Govt. Upgraded Kanya Middle School Jalalpur Bazar, Anchal Jalalpur, District Saran (Chapra).

.... Respondent/s

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Appearance :

(In CWJC No. 23280 of 2013)

For the Petitioner/s : Mr. UMESH KUMAR MISHRA, Advocate

For the Respondent/s : Mr. M. D. DWIVEDI, SC-23

(In CWJC No. 23311 of 2013)

For the Petitioner/s : Mr. UMESH KUMAR MISHRA, Advocate

For the Respondent/s : Mr. KUNDAN BHADUR SINGH, SC-22

(In CWJC No. 23336 of 2013)

For the Petitioner/s : Mr. UMESH KUMAR MISHRA, Advocate

For the Respondent/s : Mr. ROY SHIVAJI NATH, AAG-3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-01-2015

All these writ applications are now required to be dismissed on the sole ground that it is no longer a dispute that a degree of Madhyama/Visharad issued by Hindi Sahitya Sammelan, Allahabad has no recognition or validity of any kind at least in the State of Bihar.



In fact, to make things worse, the Hon'ble Supreme Court in a recent decision reported in (2010) 12 Supreme Court Cases 609, Rajasthan Pradesh Vaidhya Samiti, Sardarshahar And Another Vrs. Union of India And Others, has clearly held in paragraph-51 that Hindi Sahitya Sammelan, Allahabad is neither a University or an educational institution, neither any education is imparted nor it is affiliated to any educational institution. It is a fraudulent institution, which is selling degree to anybody, who is willing to buy a degree of such kind. That being so no equivalence can be found and no benefit of employment can be given under the State.

If this was the reason for which the respondent authorities have ordered removal of the petitioners from the post of Panchayat Teacher, the same cannot be said to be wrong or illegal.

The contention of the counsel for the petitioners that these petitioners have thereafter acquired Intermediate, if not higher degree and some even had Intermediate or better degree prior to their selection and appointment on the post. This contention is of no avail because, if those degrees did not form the basis for selection and appointment on the post of Panchayat Teacher and it was the degree of Madhyama issued by Hindi Sahitya Sammelan, Allahabad formed the basis for such selection then obviously other degrees cannot be pressed into service in the present context to save the job.

Learned counsel for the petitioners also drew attention of this Court to a case decided earlier, which is the case of Nootan Kumari Vrs. State of Bihar and Others reported in 2013 (3) BLJ PHC-15. The Court in the said case in the given facts had given a direction that, if a degree of Intermediate had been acquired by the petitioners within the time frame fixed her continuance cannot be an issue. How that order helps the petitioners is not appreciated.

It is clarified that the said order cannot be read to mean that if on the basis of Madhyama or Visharad degree a person got admission in Intermediate or higher degree the earlier degree gets legitimacy. If the initial degree issued by the Hindi Sahitya Sammelan, Allahabad is a nonest degree it remains so. Any appointment or admission to a higher degree on the basis of such a degree can be of no avail to any person, nor can such higher degree have any value, if the initial degree formed the basis for admission to a higher course or degree.

All these writ applications stands dismissed since the reasons for their dismissal are on cogent and valid grounds.

(Ajay Kumar Tripathi, J)

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