

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1069 of 2007

IN

Civil Writ Jurisdiction Case No 4137 of 2007

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Dinesh Prasad Ram, son of late Barhamdeo Ram, resident of Mohalla – Keshopur
Idgah Road, PS – Jamalpur, District - Munger

.... Appellant/s

Versus

- 1 The State of Bihar
- 2 The Director, Human Resources Development Department, Government of Bihar, Patna
- 3 The District Magistrate, Munger
- 4 The District Education Officer, Munger
- 5 The District Superintendent of Education –cum- Convener, District Committee, Sarva Shiksha Abhiyan, Munger
- 6 The Subdivisional Education Officer, Munger
- 7 The Nagar Parishad, Munger through its Chairman
- 8 The All India Education Society, 736, Lake Town, Block A, Kolkata – 700 089 through its Director
- 9 The Director, All India Education Society, 736, Lake Town, Block – A, Kolkata – 700 089
- 10 The Union of India through the Secretary, Human Resources Development, Government of India, New Delhi
- 11 The All India Correspondences Coaching Society, 4/1 Bhabanath Sen Stree, Kolkata – 700 004

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajeev Kumar Singh, Advocate

For the S t a t e : Mr Akhileshwar Singh, AC to GA III

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 28-04-2015

The appellant, who was the writ petitioner, came to this Court being aggrieved by non-selection for the post of Madhyamik Shikshak in Nagar Parishad, Munger. For the aforesaid post, valid



Teachers' Training Certificate was necessary. Petitioner, being a Graduate, produced a certificate granted by the All India Correspondence Coaching Society (For brevity, *the Coaching Society*) of Kolkata certifying that the appellant-writ petitioner had passed the Senior Teachers' Training Course conducted by the said Coaching Society in the year, 1992 and was granted Diploma as such. The State Officials did not accept this certificate to be a valid training certificate and rejected his candidature. It is against this rejection, the writ petition was filed but was found meritless by the learned Single Judge and, hence, the intra-Court appeal.

2 We have heard the learned counsel for the appellant-writ petitioner, learned counsel for the State and with their consent, this appeal is being disposed of at this stage itself.

3 When for employment or otherwise, requirement is of a qualification of Teachers' Training, in our view, it would be Teachers' Training imparted by a body recognized for the said purpose by the State or the recruiting organization. It cannot be that any certificate and/or alleged Diploma granted by any sundry institutions would be acceptable. There has to be a legal sanctity in relation to such an institution. The learned Single Judge rightly held that there were no materials that were able to be brought on record by the writ petitioner to satisfy the Court as to the sanctity and the

genuineness of the institution aforesaid. Even in this appeal, nothing could be said apart from annexing the certificates and a so-called letter dated 21.12.2006 issued by the Coaching Society which is Annexure 5 to the Memo of Appeal. It would be better to quote the contents of the said letter:

“This refers to your letter dated 20.12.2006.

This institute is registered by Govt of West Bengal under Societies Act, 1961 vide Registration No S/38452 of 1982-1983.

The emblem of this institution is approved & registered by Ministry of Human Resource Development (Dept of Education), Govt of India, vide copyright No A – 48605/86.

The syllabus and course curriculum of Senior Teachers’ Training Course, conducted by this institute is equivalent to the syllabus of B Ed Course of any reputed field of Academy.”

4 A reference to the said letter would show that all that is being certified by the said institution is that the said Coaching Society is registered under Societies Registration Act, 1961. That has nothing to do with authenticity of teaching business if we may call it a business. Then it says that its emblem is registered as copyright and lastly that its syllabus and course curriculum is equivalent to syllabus of B Ed Course. If we see the wordings of the letter, it is designed to



mislead unwary person. The net result of this communication is that the Coaching Society is registered under Societies Registration Act with its emblem having copyright and it purports to conduct course which is similar to B Ed. This does not speak about recognition by any body or for that matter even in West Bengal the institution as a recognized educational institution imparting Teacher's Training. Fortunately, the said Coaching Society, which is respondent No 11 in this appeal, has filed a written statement on affidavit directly to the Court. In its entire affidavit, apart from what is stated in the letter as stated above, there is not a single line addition. Where is the Coaching Society conducting the Teacher's Training, who are staff, who has authorized it to conduct Teacher's Training Course and awarding Diploma, nothing has been stated? We are of the view that these are ghost organizations and, as such, rightly not given any credence by the State authorities.

5 Learned counsel for the appellant-writ petitioner then cites a Division Bench judgment of this Court in the case of *Shri Mahendra Prasad Mehta –Versus- District Superintendent of Education, Katihar & Another* since reported in 1985 PLJR 709 for the proposition that teaching institutes of West Bengal can be taken to be valid institutes.

6 Before proceeding further, I may refer to the

decision rendered in the case of *State of Orissa –Versus- Sudhansu Sekhar Mishra & Others* since reported in *AIR 1968 Supreme Court* 647 and, in particular, what is stated in paragraph 13 thereof. Their Lordships have referred the famous English decision in the case of *Quinn v Leathem, 1901 AC 495* and what Earl of Halsbury LC said therein which I may quote:

“Now before discussing the case of Allen v Flood, (1898) AC 1 and what was decided therein, there are two observations of a general character which I wish to make, and once is to repeat what I have very often said before, that every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical Code, whereas every lawyer must acknowledge that the law is not always logical at all.”

7 Now we may examine the Division Bench Judgment in the case of *Shri Mahendra Prasad Mehta (supra)*. A reference thereto would show that the only contention or only issue before the Division Bench was whether the training period had to be of a two years' course or a one year's course. Court held that there was

nothing specified that the Teachers' Training Course had to be of more than one year. That was, accordingly, decided but the question with regard to the validity of Diploma certificates granted by Institutes of West Bengal was never the issue and it was never decided. Thus, this judgment is not an authority that any Tom, Dick and Harry Society or Institutions of West Bengal issuing Diploma certificates would be valid certificates for the purposes of employment in this State.

8 Then reliance has been placed on several orders passed by this Court sitting in Division Bench following the aforesaid judgment. We regret that the said judgments only refer to the judgment in the case of *Shri Mahendra Prasad Mehta (supra)* as an authority that any Institution of West Bengal was valid. Further, the issue before these Division Benches was again different. The issue was whether the training had to be in an institution of Bihar or Bengal and this Court held that training having been imparted by an institution of Bengal would be valid. Again, the question was not about the validity, bona fide or genuineness of the institution of West Bengal. That issue has never been decided. It is being raised for the first time in these proceedings. Apart from the aforesaid, certificate, as noticed above, and the letter of the Institution, there is not a chit of paper either by the State Government or by the Central Government

recommending the Coaching Society as an educational institution qualified and competent to impart Teachers' Training Courses.

9 In that view of the matter, the Diploma certificate granted by the Coaching Society, Kolkata (West Bengal) is of no use for employment where the condition necessary is having attended Teachers' Training Course.

10 Thus, the writ petition and the appeal merit no consideration. They are dismissed accordingly.

(Navaniti Prasad Singh, J)

M.E.H./-

(Rajendra Kumar Mishra, J)

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