

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6740 of 2013

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Md. Ekbal Ahmad, Son of Md. Abdul Rashid, Resident of Village - Babu Mohalla,
P.S. Mahnar, District - Vaishali

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
Vikash Bhawan, Patna
2. The Principal Secretary, Education Department, Vikash Bhawan, Patna
3. The Joint Secretary, Education Department, Vikash Bhawan, Patna
4. The Director, Primary Education, Govt. of Bihar, Patna
5. The District Education Officer, Vaishali
6. The Block Education Extension Officer, Bidupur, District - Vaishali
7. The Headmaster Upgraded Middle School, Khilwat, Bidupur, District - Vaishali
8. The District Program Officer, (Establishment), Vaishali

.... Respondents

with

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Civil Writ Jurisdiction Case No. 7148 of 2013

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Sanjiv Kumar, Son of Tarini Mahto, Resident of Village - Azad Nagar, (Kasimpur),
P.O. - Dhawaili, P.S. - Muffasil, District - Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Education Officer, Sheikhpura
5. The District Education Officer, Begusarai
6. The District Project Officer, Sheikhpura
7. The District Magistrate, Sheikhpura
8. The Secretary, Bihar Staff Selection Commission, Patna

.... Respondents

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Appearance :

(In CWJC No. 6740 of 2013)

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
: Mr. Varun Kumar, Advocate

For the Respondent/s : Mr. Kundan Bahadur Singh, SC-22

(In CWJC No. 7148 of 2013)

For the Petitioner/s : Mr. Bishnu Kant Dubey, Advocate
: Mr. Arun Kr. Singh, Advocate

For the Respondent/s : Mr. Rewti Kant Raman, AC to GP 31

For the Commission : Mr. S.S. Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 07-12-2015

Heard learned counsel for the petitioners and the respondents.

2. C.W.J.C. No. 6740 of 2013 and C.W.J.C. No. 7148 of 2013 are taken up together, as the issues involved are similar in both the cases.

3. Both the petitioner had training certificate from Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar. The mark-sheets were issued by Dr. Ambedkar Hindi-Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar. On enquiry, it was found that no institution by the name of Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar is in existence, as there was discrepancy with respect to the institution issuing certificate and mark-sheet. The Director, Primary Education observed that Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar is not recognized by National Council for Training Examination (hereinafter referred to as 'the NCTE') and as such the certificate issued by the institution would have no credence. In this view of the matter the case of Sanjeev Kumar (petitioner of C.W.J.C. No.7148 of 2013) was refused for appointment, whereas the service of Ekbal Ahmad (petitioner of C.W.J.C. No. 6740 of 2013), who was appointed, was terminated.

4. Both Sanjeev Kumar and Ekbal Ahmad had training certificate from Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth,

Bihar issued in the year 1992 and 1993.

5. The petitioner Sanjeev Kumar (C.W.J.C. No. 7148 of 2013), as such, has challenged the order dated 07.01.2013 issued by the Director, Primary Education, Education Department, Government of Bihar whereby he has issued a general direction not to appoint any person having certificate from Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar. On the other hand Ekbal Ahmad, the petitioner of C.W.J.C. No. 6740 of 2013 had sought quashing of letter dated 22.01.2013 issued by the District Education Officer, Vaishali cancelling his appointment in view of the direction of the Director, Primary Education, Education Department, Government of Bihar.

6. Counsel for the State defending the impugned action submits that the petitioners have obtained certificate from a non-existing institution, which does not have the recommendation from NCTE. He further submits that again a clarification can be sought from NCTE whether any institution by the name of Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar exist.

7. Counsel for the petitioners submit that they have no dispute with the submission of the learned counsel for the State that no institution by the name of Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar exists in village Jokiya. However, they assert that an institution by the name of Dr. Ambedkar Hindi Sanskrit



Vidyapeeth, Jokiya is existing in the district of Begusarai. The petitioners submit that in fact the name of the institution is Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar, however by mistake, as the certificate format was wrongly printed in the name of Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar in place of Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar. The dispute has unnecessarily arisen.

8. Learned counsel for the petitioners submit that the mark-sheet has been issued in the name of correct institution i.e. Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar. They further submit that the institution was registered under the provisions of Societies Registration Act 21 of 1860 in 1985-86 bearing registration no.316. The institution was affiliated with Gandhi Hindi Vidyapeeth Prayag (Hindi University), Allahabad with respect to two sections of Art Commerce, Graduation Syllabus and Teacher Training B.Ed. and BTC. In support of their submissions, they referred to letter dated 12.12.1989 (Annexure-2 to C.W.J.C. No. 7148 of 2013). They submit that after enactment of NCTE Act, 1995, the institution was recognized by the NCTE. In support of their submissions, learned counsel refers to the impugned order passed by the Director, Primary Education, Education Department, Government of Bihar. They submit that the Director, Primary Education, Education Department,

Government of Bihar does not dispute that Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar is a recognized institution of NCTE.

9. The issue is whether the certificate issued in the name of the institution as Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar was a bonafide error of print in place of Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar.

10. The dispute itself can be resolved, if the certificates, which have been produced by the petitioners have the records verified from the institution, namely, Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar.

11. In the facts of the case, the following directions are being passed: The training certificate produced by Ekbal Ahmad (petitioner of C.W.J.C. No. 6740 of 2013) would be verified from Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar. If on verification, it is found that the certificate was in fact issued from the institution, then in that case the impugned order dated 22.01.2013 passed by the District Education Officer, Vaishali has to be withdrawn, as the said institution is affiliated with Gandhi Hindi Vidyapeeth Prayag (Hindi University), Allahabad and is also recognized by NCTE.

12. So far as the petitioner Sanjeev Kumar (C.W.J.C. No.

7148 of 2013) is concerned, it appears that his case was recommended for appointment as an Assistant Teacher, but as his certificate was issued by Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapeeth, Bihar and not by Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar, his appointment was not considered. The respondents would also have his certificate verified from Dr. Ambedkar Hindi Sanskrit Vidyapeeth, Jokiya, Begusarai, Bihar and if on verification it was found that such certificate, in fact, was issued from the institution, his case for appointment as an Assistant Teacher would be considered.

13. It is expected that the whole exercise would be completed within a period of three months from the date of receipt of a copy of this order.

14. With the aforesaid observation, both the writ applications are disposed of.

(Samarendra Pratap Singh, J.)

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