

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23367 of 2013

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Arbind Kumar S/O Sri Anirudh Prasad R/O Village - Hasanpur Bangahi
Math, P.O. Narsinghpur, P.S. Sakra, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, HRD Department, Govt. of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The Director, Primary Education Govt. of Bihar, Patna.
4. The District Magistrate - cum - Collector, Muzaffarpur
5. The District Education Officer, Muzaffarpur
6. The District Program Officer (Establishment), Muzaffarpur
7. The Block Development Officer, Sakra, District - Muzaffarpur
8. The Block Education Officer, Sakra, District - Muzaffarpur
9. The Mukhiya Gram Panchayat Raj, Sakra Bazid, P.S. And Anchal - Sakra, District - Muzaffarpur
10. The Panchayat Sachiv (Secretary), Gram Panchayat Raj, Sakra Wazid, P.S. And Anchal - Sakra, District - Muzaffarpur
11. The Head Master, Govt. Middle School, Bagahi, P.S. And Anchal - Sakra, District - Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Rajesh Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 09-01-2015 None for the petitioner.

The Court has gone through the records. The reason for termination of the petitioner from the post of a Panchayat Teacher is because he is holder of a degree of 'Shiksha Visharad' from Hindi Sahitya Sammelan, Allahabad.

This Court is not required to interfere with the order impugned for the simple reason that not only the State of Bihar



does not recognize the said degree to be equivalent or valid enough for appointment on the post in question but such a degree is no degree in the eye of law as has been even held by the Hon`ble Apex Court in the case of **Rajasthan Pradesh Vaidya Samiti, Sardarshahar and another vs. Union of India and others, (2010) 12 SCC 609**. Paragraph-51 of the said decision is quoted herein below:

“51. At the cost of repetition, it may be pertinent to mention here that in view of the above, we have reached to the following inescapable conclusions:

(I) Hindi Sahitya Sammelan is neither a university/deemed university nor an educational board.

(II) It is a society registered under the Societies Registration act, 1860.

(III) It is not an educational institution imparting education in any subject inasmuch as ayurveda or any other branch of medical field.

(IV) No school/college imparting education in any subject is affiliated to it. Nor Hindi Sahitya Sammelan is affiliated to any university/board.

(V) Hindi Sahitya Sammelan has got no

recognition from the statutory authority after 1967. No attempt had ever been made by the Society to get recognition as required under Section 14 of the 1970 Act and further did not seek modification of Entry 105 in Schedule II to the 1970 act.

(VI) Hindi Sahitya Sammelan only conducts examinations without verifying as to whether the candidate has some elementary/basic education or has attended classes in ayurveda in any recognized college.

(VII) After commencement of the 1970 act, a person not possessing the qualifications prescribed in Schedules II, III and IV to the 1970 act is not entitled to practise.

(VIII) Mere inclusion of the name of a person in the State Register maintained under the State Act is not enough for making him eligible to practise.

(IX) The right to practise under Article 19(1)(g) of the Constitution is not absolute and thus subject to reasonable restrictions as provided under Article 19(6) of the Constitution.



(X) Restriction on practise without possessing the requisite qualifications prescribed in Schedules II, III and IV to the 1970 Act is not violative of Article 14 or ultra vires to any of the provisions of the State Act.”

In view of the above, writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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