

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18736 of 2014

- =====
1. Vidya Shankar Mishra son of Late Maheshwar Mishra, resident of village+Post-Belsar, Police Station- Mehandia, District- Arwal.
 2. Madhvi Kumari Mishra wife of Manoj Kumar Pathak, resident of Mohalla-Keshri Nagar, Police Station- Shashtri Nagar, District- Patna.
 3. Mritunjay Kumar son of Birendra Kumar, resident of village- Manjhar, P.O.-Kormathu, Police Station- Belaganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Deputy Director, Secondary Education, Government of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Respondent/s : Mr. Santosh Kumar Jha, GP-3

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-01-2015

The sole reason as to why the petitioners were not permitted to participate in the selection process for appointment on the post of Librarian was that there was a dispute pending before the Hon'ble Supreme Court with regard to validity of the degree issued by Alagappa University and Sahitya Alankar degree from Deoghar Hindi Vidyapith.

Since, two of the petitioners were holder of degree from Patna University, there was no reason as to why they should be treated in the same manner as candidates having degree of other two institutions. It is a clear case of non-application of mind by the State administration. In fact, the

Court is of the opinion that besides the two degrees noted above, there was no necessity to give any declaration with regard to holders of degree from other institutions, whose validity was not under question before the Apex Court. Since then, even the status of Alagappa University seems to have been clarified by the Hon'ble Apex Court. The other two petitioners are holders of degree from Patna University.

The respondent authorities are directed to complete the process of selection by permitting the petitioners to participate in the same if there is no other legal impediment.

Writ is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

P.K./-

U			
---	--	--	--