

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23488 of 2013

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1. Raj Kumar Yadav Son Of Shri Suryadeo Yadav Resident Of Village - Kishunpura, P.O. Baluwa, Police Station - Guthani, District - Siwan, At Present Posted And Working As Panchayat Teacher In New Primary School Pakaripar, Anchal Darauli, District - Siwan
 2. Santosh Yadav Son Of Shri Tuntun Yadav Resident Of Village - Parsiya Bujurg, P.O. Station - Mairwa, District - Siwan , At Present Posted And Working As Panchayat Teacher In New Primary School Bhotiya, Anchal Darauli, District - Siwan
 3. Kumari Rinku Wife Of Shri Nagendra Kushwaha Resident Of Village + P.O. Station - Guthani, District - Siwan, At Present Posted And Working As Panchayat Teacher In New Primary School Mishra Mathiya, Anchal Darauli, District - Siwan
 4. Guriya Kumari Wife Of Shri Kameshwar Pandey Resident Of Village O. Tadwa, Police Station - Darauli, District - Siwan, At Present Posted And Working As Panchayat Teacher In New Primary School Pakaripar, Anchal Darauli, District - Siwan

.... 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, Siwan
5. The Deputy Development Commissioner-Cum-Chairman, District Education Establishment Committee, Siwan
6. The District Education Officer, Siwan
7. The District Programme Officer (Establishment), Siwan
8. The Block Education Officer, Darauli, District - Siwan
9. The Mukhiya, Gram Panchayat Raj Darauli Mathiya, Block Darauli, District Siwan
10. The Panchayat Secretary, Gram Panchayat Raj Darauli Mathiya, Block Darauli, District Siwan
11. The Member, District Teachers Employment Appellate Authority, Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. Rajiv Roy, GP 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-01-2015

The order dated 15.12.2012 passed by the District Teachers Employment Appellate Authority, Siwan is matter of

challenge before this Court. All these petitioners secured employment as Panchayat Teachers on the basis of having obtained a degree of Uttar Madhyama from Sampurnanand Sanskrit University, Varanasi. The said degree is supposed to be equivalent to Intermediate.

Nothing has been produced by the petitioner to show that the State of Bihar, Department of Education has given any recognition to such a degree for appointment in the State of Bihar. The equivalence if it has been given to by any other State Government cannot bind the State of Bihar. Further looking at the nature of the degree, these petitioners cannot be appointed on any other post of a Panchayat Teacher except where may be vacancy for Sanskrit Teacher, which is not the case in the present writ application. Even for Sanskrit Teachers the degrees must have valid recognition by the State of Bihar because it is the State of Bihar which is giving employment.

In absence of the above position, the removal of the petitioners from the posts of Panchayat Teacher cannot be said to be erroneous or illegal.

Counsel for the petitioners submits that there are large numbers of candidates in the districts of Siwan, Chapra, Gopalganj and other districts of the State, who are working as a Panchayat

Teacher on the basis of such a degree obtained from Sampoornanand Sanskrit University.

The Director, Primary Education, Government of Bihar is directed to issue appropriate direction to identify all such persons if they are working on the post on the basis of such a degree and ensure that they are divested of their responsibility and the post in accordance with law because no person can occupy a post on the basis of a degree which has no recognition in the eye of law in the State of Bihar.

Writ is dismissed.

A copy of the order will be communicated to the Director, Primary Education, Government of Bihar for appropriate follow up action.

(Ajay Kumar Tripathi, J)

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