

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5047 of 2016

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1. Sunita Sinha wife of Manoj Kumar resident of Mohall Ram Lakhan Path
Bhojpur Colony, P.S. Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The Principal Secretary Human Resource Development Department,
Government of Bihar, Patna.
2. The Director, Primary Education Department, Human Resources Development
Department, Government of Bihar, Patna.
3. The District Education Officer, Jehanabad.
4. The Executive Officer, Nagar Parishad, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha

For the Respondent/s : Mr. Sanjay Mandal, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-06-2016

Petitioner was appointed as a Teacher by the Nagar Parishad, Jehanabad. Her appointment was made in the year 2013. She is supposed to be a Teacher in English and posted at what is known as Rajkiyakrit Urdu Middle School, Jehanabad. Writ has been filed for a direction upon the respondents to pay her salary since she is going without one for a long period of time. The reason for the predicament of the petitioner is that she seems to be an appointee on the basis of a degree obtained from what is known as Nababharat Shiksha Parishad situated in the State of Orissa. The degree is supposed to be a B.Ed. degree and, therefore, petitioner was treated to

be a trained teacher,

From Annexure- 3 to the writ application it is evident that the issue with regard to validity of such degrees issued by Nababharat Shiksha Parishad travelled before a learned Single Judge. He after due deliberation gave a direction upon the Director, Primary Education, Government of Bihar that no person having any qualification from Nababharat Shiksha Parishad should be allowed to work as a Teacher in the State of Bihar.

There is no dispute with regard to the institution being a fake institution and the degree issued by such an institution not having any recognition from any statutory authority. If this be so then obviously the selection of the petitioner on the basis of such a degree is non est in the eye of law and if the respondents have decided as a stop gap measure not to pay any salary and take further action in this regard, the same is not required to be interfered with.

Learned counsel for the petitioner submits that the petitioner is a highly qualified person and in fact, the selection was made on the basis of her qualification. How I wish such a submission was acceptable within the framework of rule relating to such appointment. The qualification needed for such selection is spelt out in the rules governing such appointment. Merely because the petitioner is a post graduate does not make the petitioner any more

eligible than any other person. The core issue is whether the petitioner has a valid B.Ed. degree or not. Since the institution in question dishing out such degree of B.Ed. has no credibility, the continuance of the petitioner itself on the post of teacher becomes nebulous.

In view of the above, the Court will not give any direction in favour of the petitioner. Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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CAV DATE	
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