

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1103 of 2013

IN

Civil Review No. 44 of 2012

=====

Savitri Kumari, Wife of Shri Bindeshwari Kumar Singh, Resident of Village - Anandpur, P.O. Razawar, Police Station - Rajoun, District - Banka

.... Appellant/s

Versus

1. The State of Bihar
2. The Secretary cum Commissioner, Human Resources Development Department, Bihar, Patna - 1
3. District Superintendent of Education, Banka
4. Block Education Extension Officer, Block Rajoun, District Banka
5. Block Development Officer, Rajoun Block, District Banka
6. Panchayat Sachiv, Gram Panchayat Khaira Block Rajoun, District Banka
7. Mukhiya, Gram Panchayat Khaira, Under Rajoun Block District Banka
8. Hindi Sahitya Sammellan Prayag 13, Sammellan Marg, Allahabad
9. Pradhan Mantri, Hindi Sahitya Sammellan, Prayag 12 Sammellan Marg, Allahabad

.... Respondent/s

=====

Appearance :

For the Appellant : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. Nawal Kishor Singh, SC-2
Mr. Kamlesh Prasad, AC to SC-2

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-07-2016

Heard Sri Umesh Kumar Mishra, learned counsel
for the appellant, who happens to be the unsuccessful writ petitioner
and learned counsel appearing for the State.

Writ petitioner appellant had been appointed as
Siksha Mitra in the year 2004. Subsequently, in 2006 she was
absorbed as Panchayat Teacher. She was then dismissed allegedly



even without notice in the year 2008 on the ground that she got her appointment as Siksha Mitra on basis of matriculation from Bihar School Examination Board and Madhyama certificate granted by Hindi Sahitya Sammelan, Allahabad, which she claimed was equivalent to Intermediate. She was dismissed because for being selected as Siksha Mitra, the minimum eligibility criteria was Intermediate. Regarding Madhyama qualification, this Court has repeatedly held that the certificate granted by Hindi Sahitya Sammelan, Allahabad is not a recognized equivalent thereof. Thus, on this admission itself writ petitioner- appellant lack basic eligibility criteria. It is then submitted on the strength of the judgment of this Court in the case of Nutan Kumari Vs. State of Bihar and others since reported in 2013(3) BLJ PHC- 15 that she had subsequently also done Intermediate course from Bihar Intermediate Education Council and, therefore, she had acquired the proficiency required. We are afraid, we cannot accept such submission. In the case of Nutan Kumari(supra) before action to dismiss was taken she had acquired eligibility qualification and, therefore, the Court took a sympathetic view of the matter, whereas in this case admittedly the writ petitioner- appellant passed her Intermediate examination long after her dismissal for being ineligible for selection as Siksha Mitra on the day when she was selected or on the day when she was dismissed. She on her own

showing was ineligible. If that be so then we are not inclined to interfere in the matter. The appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

AFR/Arjun/Rajesh

U			
---	--	--	--