

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14595 of 2014

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Pramod Kumar, S/o Ram Kishun Chaudhary, Resident of Hilsa Gabrapar Kanhaiya
Asthan, Police Station Hilsa, District Nalanda. Petitioner

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Primary, Secondary
and Adult Education, Bihar, Patna.
 2. The Director, Primary Education, Bihar, Patna.
 3. The District Magistrate, Jamui, District Jamui.
 4. District Education Officer, Jamui.
 5. The District Program Officer, Jamui.
 6. Block Education Officer, Jhajha, District Jamui. Respondents
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Appearance :

For the Petitioner/s : Mr. Sunil Prasad, Advocate

For the Respondent/s : Mrs. Nutan Kumari Sharma, AC to GA-8

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 12-05-2016

Heard learned counsel for the petitioner and the
respondents.

2. The petitioner claims to be amongst 34,540
recommended teachers, which was approved by the Hon'ble Apex
Court on the recommendation of Hon'ble Justice S. K. Chattopadhyaya
committee report.

3. The petitioner seeks quashing of the order
contained in Memo No. 915, dated 30.06.2014, passed by the District
Education Officer, Jamui, whereby his service has been terminated on
the ground that Dr. Bhim Rao Ambedkar Hindi Sanskrit Vidyapith-
cum-Educational Training Institute, Jokiya, Begusarai, is not
recognized either by the State of Bihar or by National Council for
Teacher Education.

4. Counsel for the petitioner submits that the appointments, which have been made pursuant to recommendation of Hon'ble Justice S. K. Chattopadhyaya committee report, and approved by the Hon'ble Apex Court, cannot be reopened and in support of the same, learned counsel has relied upon para 9 of the order of the Hon'ble Apex Court, passed in S.L.P. No. No. 26824 of 2012, which is quoted herein below for easy reference:

“9. Be that as it may, in the event, some discrepancies had crept in the final select list, the individual grievances contained various anomalies, which it is difficult for us to unravel. Accordingly, we modify our order dated 13th October, 2011, and allow the applicants to approach the High Court for redressal of their grievances. We also direct that the applications, special leave petitions and writ petitions filed before us be treated as withdrawn, with liberty to the parties to approach the High Court individually or otherwise, for relief, if any, but without, in any way, affecting the appointments of those teachers who have already been appointed against the vacant 34,540 posts and are working. We have been informed during the hearing that about 2413 posts out of the 34,540 posts were still left to be filled up. All the applications, Special Leave Petitions and Writ Petitions are, therefore, disposed of in the light of the aforesaid observations. We make it clear that none of the persons appointed out of the 34,540

vacancies should be disturbed in any way, but the question of filling up the balance vacancies may be taken into consideration, while disposing of the applications in question.”

5. Learned counsel for the petitioner has further relied upon the order of learned Single Judge in case of Kanti Kumari Vs. The State of Bihar & Ors, disposed of on 15.01.2014, vide C.W.J.C. No.17899 of 2012 and a Division Bench order taking the same stand on the basis of observations of the Hon’ble Apex Court in para. 9 S.L.P. No. No. 26824 of 2012.

6. On the other hand, learned counsel for the State in para 7 of the counter affidavit stated that neither Dr. Bhim Rao Ambedkar nor Ambedkar Hindi Sanskrit Vidyapith, Bihar, Jokiya, Begusarai is a recognized institution and the petitioner cannot claim recruitment on the basis of the said certificate. He further submits that the appointment of the petitioner was conditional subject to verification of the certificate. Counsel for the State in this context has relied upon order of a learned Single Judge, dated 10.09.2012, passed in C.W.J.C. No. 13492 of 2012 (Md. Annis Ahmad Ansari vs. The State of Bihar & others). He has also placed reliance on the order of another learned Single Judge rendered in case of Md. Shaheed & Ors Vs. The State of Bihar & Ors.) disposed of on 05.08.2015. In the said case, the petitioner too figured amongst 34540 persons approved by Hon’ble Apex Court for appointment as Assistant Teachers. The

petitioners Md. Shaheed and others were subsequently retrenched, as the institutions from which they had obtained the certificates were not recognized by the State Government. The learned Single Judge declined to grant relief to the petitioners that the Hon'ble Apex Court while considering the issue observed that in case during scrutiny, it is found that any of the documents do not confirm to the requirements, the concerned authority will be at liberty to take appropriate steps regard the said candidates.

7. Thus, it is evident from the order of the Hon'ble Apex Court that the approval of list of 34540 candidates were subject to scrutiny of documents. However, in the facts and circumstances of the case, I would provide one more opportunity to the petitioner to convince the authorities that the certificates that he had produced were obtained from a recognized institution.

8. The writ application is accordingly disposed of with the aforesaid observations.

(Samarendra Pratap Singh, J.)

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