

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.285 of 2015

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Yogendra Ganesh, S/o Late Ram Prasad Ganesh, Resident of Village - Haldibari, P.O. - Taiyabpur, P.S. - Pothia, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Programme Officer (Estt.), Kishanganj.
3. The Block Development Officer, Block - Pothiya, District - Kishanganj.
4. The Block Education Officer, Block - Pothiya, District - Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava
Mr. Amit Bhushan
Ms. Anu Priyadarshni

For the Respondent/s : Ms. Smriti Singh, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-08-2016

Heard Mr. Shri Prakash Srivastava, learned counsel appearing for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the order dated 30.4.2014 passed by the Member, District Panchayat Teacher Employment Appellate Authority, Kishanganj (hereinafter referred to as the 'Appellate Authority'), whereby the appeal filed by the petitioner bearing Appeal No.04 of 2014 has been dismissed thus confirming the order of termination passed by the respondent District Programme Officer, Kishanganj dated 3.2.2014 whereby the services of the petitioner as Panchayat Teacher has been terminated on grounds that the training certificate obtained by the petitioner was not in terms of the essential requirements present at rule 8(3) of the Bihar Panchayat Elementary Teachers (Appointment and Service Condition) Rules, 2006 (hereinafter referred to as 'the Rules').

I have heard learned counsel for the parties and I have perused the records.

Rule 8(3) of ‘the Rules’ inter alia requires a Block Teacher or a Panchayat Teacher to possess a training certificate from an institution recognised by the National Council for Teacher Education having a period of two years and is accompanied by a Matriculation qualification or its equivalent. It is not in dispute that the petitioner obtained his training certificate from Ramganj Primary Training School, Darjiling for a period of one year and thus the certificate was not in tune with the statutory provisions underlying rule 8(3) of ‘the Rules’. The petitioner thus failing on the educational qualification as statutorily required, his services have been terminated.

Although Mr. Srivastava while admitting the fact that the training certificate of the petitioner is for a period of one year, submits that though the case of the petitioner and that of Arjun Lal Sah as pleaded in paragraph 11 is the same but they have been given differential treatment. In my opinion the petitioner having failed on educational qualification, he cannot draw parallels from the case of Arjun Lal Sah. In fact even the appointment of said Arjun Lal Sah is conditional and has continued in view of the pendency of the dispute before the Apex Court.

In the circumstances discussed, no cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

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AFR/NAFR	NAFR
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