

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1276 of 2016

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Kumari Mridula daughter of Sri Shivjee Prasad Mahto wife of Indradeo Prasad Rai
Resident of village- Dhamaun, P.S. Patori, District- Samastipur at present Assistant
Teacher, Upgraded Middle School, Nawada Kala, P.S.- Hajipur, District- Vaishali
..... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department,
Government of Bihar, Patna
2. Director, Elementary Education, Government of Bihar, Patna
3. District Education Officer, Vaishali
4. Bihar University now B.R.A.Bihar University through its Registrar, Muzaffarpur,
District Muzaffarpur

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Natraj Verma, Adv.
For the Respondent/s : Mr. Prabhu Narain Sharma, AC to A.G.
For B.R.A.University : Mr. Santosh Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-12-2016

Heard Mr. Natraj Verma, learned counsel appearing for the
petitioner, Mr. Prabhu Narain Sharma, AC to AG and Mr. Santosh
Kumar Jha, learned counsel appearing for B.R.Ambedkar Bihar
University.

With the consent of the parties the matter has been heard
with a view to final disposal at the stage of admission itself.

The writ petition has been filed praying for quashing of the
letter bearing No. 941 dated 9.2.2015 of respondent no.3 i.e. District
Education Officer, Vaishali, copy of which is impugned at Annexure-
11 to the writ petition, whereby the appointment of the petitioner to
the post of Assistant Teacher has been cancelled, inter alia, on



grounds that the petitioner had obtained Teachers Training qualification from an institution which was not recognized by the State Government.

The petitioner is one amongst 34540 trained teachers whose appointments were the subject matter of litigation pending before the Supreme Court in regard to their genuineness in training qualification. It is following the order passed by the Supreme Court that a review has taken place and when according to the respondent District Education Officer the petitioner was held to have secured her training qualification from Arajkiya Arya Prathmik Shikshak Shiksha Mahavidyalaya, Chhatwara, Mahua, in the district of Vaishali, which was not a recognized institution for imparting Teachers Training qualification. According to the petitioner, the premise itself is incorrect because it is following the order of the Supreme Court that the examinations were held in the year 1988 which included the students of the institution in question and the qualification held by her is on the basis of the said examination which was conducted by the B.R.Ambedkar Bihar University.

It is in the nature of dispute raised by the District Education Officer to disqualify the petitioner on her appointment in the background of the stand taken by the petitioner that the University was added as a party and following the notice served that Mr. Jha has



responded with an affidavit and paragraphs 5 to 7 of the affidavit by itself is sufficient to allow the writ petition. It is specifically stated by the University that the institution in question, namely, Arajkiya Arya Prathmik Shikshak Shiksha Mahavidyalaya, Chhatwara, Mahua was given affiliation for B.Ed. course for the Session 1983-84 by the respondent University and the petitioner was student of the course during Session 1983-84. It is further mentioned at paragraph 7 that the examination of the Sessions 1983-84 was held following direction of the Supreme Court present at Annexure 5 and in which the petitioner was an examinee and was declared successful in 2nd Division.

In view of the stand taken by the University, whatever be the doubt regarding genuineness of the certificate towards Teachers Training qualification possessed by the petitioner to secure appointment of Assistant Teacher stands clear and for the same reason the order of termination dated 9.2.2015 passed by the District Education Officer, Vaishali becomes unsustainable and accordingly, quashed and set aside. The writ petition is allowed.

The petitioner is restored to her post.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.12.2016
Transmission	NA



Date	
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