

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6425 of 2013

=====

Ghanshyam Prasad Yadav Son Of Shri Ram Briksh Rai Resident Of
Village - Shivnagar, Post - Rampur Jurawan, District - Vaishali
..... Petitioner

Versus

1. The State Of Bihar, Through The Commissioner Cum Secretary,
Department Of Education, Government Of Bihar, New Secretariat,
Bihar, Patna
 2. The Director, Department Of Primary Education Government Of Bihar,
New Secretariat, Bihar, Patna
 3. The District Magistrate, Vaishali
 4. The District Education Officer, Vaishali
 5. The District Programme Officer (Establishment), Vaishali
 6. Block Education Officer, Mahua, Vaishali Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Shashibhushan Kumar, Advocate

For the Respondent/s : Mr. AL Prasad, AC to GA 11.

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 09-02-2016 The petitioner seeks quashing of order contained in

memo dated 28.2.2013, issued by the District Education Officer,

Vaishali (respondent no.4) by which his appointment as an

Assistant teacher has been cancelled on the ground that he

submitted the certificate of a training institute, namely, Arya

Primary Teacher Training College, Chhatwara, Mahua, Vaishali

in Session 1980-82 which was not a recognized institute.

The petitioner submits that he took admission in Arya

Primary Teacher's Training College, Chhatwara, Mahua,

Vaishali in Session 1980-82 and passed this examination in year

1984. However, recognition to the institute was withdrawn only

in the year 1993, as such, the session in which he took training

is not affected by Government's decision.

Counsel for the State submits that recognition of the institution wherefrom petitioner took training has been cancelled by the State Government vide letter dated 27.11.1990.

The issue is whether the institution was granted recognition at the time of passing of the petitioner. However, this issue has been raised a bit late. In view of firm direction of the Hon'ble Apex Court in SLP (Civil) No.26824 of 2012, which issue has been elaborately dealt with in order dated 14.1.2016, passed in C.W.J.C.No. 6753 of 2003, it is difficult to sustain the impugned order. I find that the case of the petitioner stands broadly on similar footing. As such, the impugned order dated 28.2.2013 is set aside and the writ petition is allowed in terms of order dated 14.1.2016.

(Samarendra Pratap Singh, J)

Shashi.

U			
---	--	--	--