

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1057 of 2015
IN
Civil Writ Jurisdiction Case No. 2557 of 2014**

- =====
1. Ghanshyam Das son of Jagannath Das, resident of Noorpur, P.O. & P.S.- Nathnagar, District-Bhagalpur
 2. Shobh Nath Das, son of Late Hari Das, resident of East Gurhatta Chowk, P.O.- Mirijhanhat, P.S.- Mojahidpur, District-Bhagalpur
 3. Amit Kumar, son of Uma Kant Ram, resident of D.N.Singh Ghat Road, Deepnagar, P.O.- Kotwali, District- Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Joint Secretary, Department of Education, Government of Bihar, Patna
4. The District Education Officer, Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ganpati Trivedi, Sr. Advocate
Mr. Manoj Kumar Jha, Advocate
For the State : Mr. Brabhat Kumar, Asst. Counsel to GA-11.

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 01-12-2016

I.A. No. 4395/2015:

The interlocutory application has been filed for
condonation of delay of 26 days in filing the appeal.

On a consideration of the facts and circumstances and
upon hearing learned counsels for the parties, the delay in filing the
appeal is condoned.

I.A. No. 4395 of 2015 is, accordingly, disposed of.

Heard learned counsel for the appellants and learned



counsel for the State.

The appeal has been filed against the order dated 27.1.2015 passed by a learned Single Judge of this Court in CWJC No. 2557 of 2014 by which the writ application filed by the petitioners has been dismissed.

The writ application itself had been filed for quashing the order dated 25.6.2012 issued by the District Education Officer, Bhagalpur by which the services of the writ petitioners, who were working as Assistant Teachers, have been terminated on the ground that the certificates of Teachers Training Course were from a non-recognized institution.

The writ petitioners, appellants before us, have received their training from Nivedita Teacher's Training College, Mathurapur, West Bengal during the period July, 1993 to June, 1995 in the case of the appellant No.3, Amit Kumar. On the basis of the same they had applied against Advertisement dated 19.6.2010 issued by the Bihar State Staff Selection Commission for being appointed on the post of Assistant Teacher and ultimately after a protracted litigation in which the matter reached up to the Supreme Court, they were provisionally appointed subject to the verification of their certificates.

Before the Supreme Court, a Special Officer being a



retired Judge of the Patna High Court, had been appointed to examine the matter and on the basis of the same a list was prepared. Thereafter a contempt application being Contempt Petition (C) No. 297/2007 in SLP (C) No. 22882/2004 (Nand Kishore Ojha Vs. Anjani Kumar Singh) was also filed which was disposed of by order dated 13.10.2011 and an issue was raised therein by learned counsel for the respondents of that case with regard to the examination of the certificates and other documents that may be produced by the candidate concerned at the time of counseling and it was directed by the Apex Court that in the event during scrutiny it was found that any of the documents do not conform to the requirements, the concerned authorities will be at liberty to take appropriate steps regarding the said candidate. The writ petitioners were among the candidates in the final list and during the verification of their certificates it was found that the Teachers Training College from which they had obtained their training was not a recognized institution. As a matter of fact, enquiries were made from the School Education Directorate of the Government of West Bengal (Training & Examination) and by letter dated 24.4.2012 of the Commissioner of School Education, West Bengal addressed to the District Education Officer, Education Department, Bhagalpur, Bihar it was stated that there was no recognized Teacher Education Institute in the name of Nivedita



Shikshan Prasikshan Mahavidyalaya, Mathurapur, West Bengal in the year 1993 under the Government of West Bengal. Thereafter show cause notices were issued to the writ petitioners and by the impugned orders their services were terminated. On the aforesaid facts, the learned Single Judge has dismissed the writ petition.

Learned counsel for the appellants has sought to reiterate the stand taken before the learned Single Judge. In this regard they strongly rely upon several information which they have received subsequently under the provisions of the NCTE Act which however do not show anything specific to contradict what has been stated in the letter dated 24.4.2012 of the Commissioner of School Education, West Bengal. Attempt has been made to rely upon certain documents in which the issue of coming into force the NCTE Act from 1995 onwards has been raised that even after the said institution ceased to be recognized after 1995 that would not be applicable prior to the said date.

In our view, the basic question is not as to whether the institution was derecognized after coming into force of the NCTE Act from the year 1995, rather whether there was any recognition of the said institution from which the appellants claimed to have obtained their teachers training certificates during the years in question, for which there is a categorical response from the



Commissioner of School Education, West Bengal by his letter dated 24.4.2012.

In the aforesaid view of the matter, no fault can be found with the termination of the services of the appellants which was, in any case, provisional subject to verification of their certificates as permitted by the Supreme Court in the aforesaid order. The order of the learned Single Judge has therefore to be upheld.

The appeal is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.01.2017
Transmission Date	

