

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6715 of 2013

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Himanshu Kumar Son Of Late Bipin Kumar Gupta Resident Of Mohalla- Kisti
Koltu Hazipur Ward No.- 19 P.S.- Khagaria, District- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The District Education Officer, Khagaria.
3. The District Programme Officer, Establishment, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kr. Singh, Adv.
Mr. Ravi Prakash, Adv.

For the Respondent/s : Mr. Kamlesh Kumar Sharma, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-04-2016

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner has submitted that he has been
deprived from the selection to the post of Graduate Trained Scale on
the ground that he is holding the qualification of Sahitya Alankar from
Hindi Vidyapith, Deoghar. He has submitted that he was appointed as
an Assistant Teacher in the year 1991 and has completed his training
and become Trained Teacher in the year 2001. It has further been
submitted that the petitioner has enhanced his qualification by
acquiring the qualification of Sahitya Alankar from Hindi Vidyapith,
Deoghar and on the strength of that qualification he has also obtained
the master degree from Open University, Nalanda, a recognized

University by the Central Government as well as State Government. It cannot be said that the degree obtained by him of M.A. is an unrecognized degree.

The claim of the petitioner for the B.A. Trained Pay-Scale has been rejected on the ground he has obtained the Sahitya Alankar degree from Hindi Vidyapith, Deoghar which has not been recognized by the State of Bihar and, as such, he cannot be promoted to the Graduate Trained Pay-Scale.

Learned counsel for the petitioner has submitted that the qualification of Sahitya Alankar may not be recognized but there is no resistance and challenge from the State that the M.A. degree which he has acquired from the Open University, Nalanda is not a recognized one. If he is holding the M.A. degree from the recognized institution, he cannot be deprived of the benefit of B.A. Trained Pay-Scale and in support of his submission, he has placed reliance on a judgment of this Court dated 27.1.2016 passed in LPA No. 11 of 2014 (Dr. Amresh Thakur Vs. The State of Bihar & Ors.) and judgment dated 23.2.2016 passed in LPA No. 1027 of 2014 (Ghanshyam Prasad Singh Vs. The State of Bihar & Ors.).

Learned counsel for the State has not disputed the aforesaid submission of the learned counsel for the petitioner that if he has acquired a higher qualification from the recognized University, he

cannot be deprived of the B.A. Trained Pay-Scale as the present case is completely covered by the judgment passed in the case of Dr. Amresh Thakur (supra) and in the case of Ghanshyam Prasad Singh (supra).

In that view of the matter, the petitioner will be given the same benefit as has been given to the appellants in the aforesaid two cases.

With the aforesaid direction, this writ petition is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27/04/2016
Transmission Date	