

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1109 of 2013

IN

Civil Writ Jurisdiction Case No. 14088 of 2012

- =====
1. The State of Bihar through the Principal Secretary, Department of Human Resources Department, Government of Bihar, Patna
 2. The Principal Secretary, Department of Human Resources Department, Government of Bihar, Patna
 3. The Director, Secondary Education, Government of Bihar, Patna
 4. The Regional Deputy Director of Education, Saharsa

.... Appellants

Versus

1. Subhash Mohan Mishra, Son of Lambodar Mishra, Resident of Village Mahishi, P.S. Mahishi, District Saharsa
2. Pramod Kumar Choudhary, Son of Late Surendra Narayan Choudhary, Resident of Village Mahishi, P.S. Mahishi, District Saharsa
3. Bindeshwari Prasad Yadav, Son of Late Babuji Yadav, Resident of Village Jobaha, P.S. Marauna, District Supaul
4. Mahendra Singh, Son of Lakhan Singh, Resident of Village Bhagwatpur, P.S. Mahishi, District Saharsa
5. Laliteshwar Jha, Son of Dev Narayan Jha, Resident of Village Baghwa, P.S. Balba, District Saharsa
6. Amar Nath Pathak, Son of Dashrath Pathak, Resident of Village Mahishi, P.S. Mahishi, District Saharsa
7. Ramesh Choudhary, Son of Late Kalikant Choudhary, Resident of Village Mahishi, P.S. Mahishi, District Saharsa
8. Dr. Chakradhar Jha 'Bimal', Son of Late Gangadhar Jha, Resident of Village Mahishi, P.S. Mahishi, District Saharsa
9. Shambhu Nath Jha, Son of Late Satya Narayan Jha, Resident of Village Gopalpur, P.S. Uda Kishanganj, District Madhepura
10. Shatrughan Chaudhary, Son of Late Shiv Shankar Chaudhary, Resident of Village Mahishi, P.S. Mahishi, District Saharsa
11. Dr. Rudradhar Jha 'Nawal', Son of Late Gangadhar Jha, Resident of Village Mahishi, P.S. Mahishi, District Saharsa

.... Respondents

=====

Appearance :

For the Appellants : Mr. Pushkar Narain Shahi, Sr. Advocate, AAG-10
Mr. Sanjeet Kr. Singh, Advocate
For the Respondents : Mr. Madhav Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 21-07-2016

This intra-court appeal has been preferred by the State being aggrieved by the judgment of the learned Single Judge dated 08.10.2012, passed in C.W.J.C. No. 14088 of 2012 (Subhash Mohan Mishra and others Vs. The State of Bihar and others) by which the learned Single Judge has held that the degree of Acharya granted by Kameshwar Singh Darbhanga Sanskrit University (for short the University) is equivalent to post-graduation i.e. M.A.

Heard Sri P.N. Shahi, AAG-X in support of the appeal and Sri Madhav Jha for the respondents- writ petitioners and with their consent we are disposing of this appeal at this stage itself.

Having examined the judgment of the learned Single Judge we are not in doubt that the learned Single Judge was correct in holding that the Acharya degree granted by the University is equivalent to M.A. Whatever confusion there was, it was because of the State Government circular of the year 1963 where Acharya was shown as equivalent to graduation. This was soon followed by circular dated 23.01.1964 issued by the Government of India in the Ministry of Education dealing with its equivalence with various other courses. This included the degree of Acharya granted by the University as it was then known and it was clearly stated by the Central Government that Acharya would be equivalent to post-graduation i.e. M.A. This position has since then been clarified by the University in its

communication dated 02.05.1989.

In that view of the matter, we find no scope for interference with the judgment and order of the learned Single Judge. However, so far as inter-se seniority is concerned, we leave it open to the State Government to formulate principles and rules for determining the same and it would be open to them to apply the same in accordance with law.

With the observation aforesaid, this appeal is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh/ A.F.R.

U			
---	--	--	--