

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19534 of 2016

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Prem Lata Kumari daughter of Bhagwan Singh, Resident of Mohalla- Salimpur
Ahra near Mahabir Asthan, P.S.- Kadam Kuan, Town and District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Bihar Staff Selection Commission, Patna.
3. The Principal Secretary, General Administration Department, Bihar, Patna.
4. The Under Secretary, General Administration Department, Bihar, Patna.
5. The Additional Secretary, General Administration Department, Bihar, Patna.
6. The Deputy Secretary, General Administration Department, Bihar, Patna.
7. The Principal Secretary, Education Department, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad, Sr. Adv.
Mr. Dineshwar Prasad Singh, Adv.

For the Respondent/s : Mr. Anil Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 29-11-2017

Heard Mr. Uma Shankar Prasad, learned Senior Counsel

appearing for the petitioner alongwith Mr. Dineshwar Prasad Singh,

Advocate on record and Mr. Anil Kumar, learned AC to SC-8, for the

State.

In the nature of the order which this Court proposes to pass

it would not be required to delve deep into the merits of the case.

The petitioner is aggrieved by the order bearing No. 8073
dated 6.6.2016 of the Deputy Secretary, General Administration
Department, Bihar, whereby the department in consideration of the
recommendation of the Staff Selection Commission for appointment
of the petitioner on the post of Stenographer in the Secretariat, has in
reference to the notification bearing No. 5267 dated 8.4.2016 held that
in view of the order dated 7.5.2012 cancelling the departmental order



dated 11.1.1991 whereby recognition was granted to qualification granted by the Hindi Vidyapeeth, Deoghar, the petitioner cannot be appointed.

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

The letter of the Deputy Secretary impugned at Annexure 15 itself explains that the petitioner has been recommended for appointment by the Bihar Staff Selection Commission to the post of Stenographer but in view of the notification dated 8.4.2016 the General Administration Department has rejected the candidature because the qualification attained by the petitioner is from Hindi Vidyapeeth, Deoghar, which stands de-recognized.

When this matter was taken up yesterday, learned counsel for the petitioner had produced a recent notification of the General Administration Department bearing Memo No. 10878 dated 24.8.2017, which inter alia proceeds to clarify that all appointments/promotion on the basis of qualification attained by the incumbent from Hindi Vidyapeeth, Deoghar in between the date of judgment passed by this Court in C.W.J.C.No. 13343/2011 i.e. 7.5.2012 until issuance of the notification on 8.4.2016 shall be treated as valid. Annexure 7 to the writ petition is the recommendation of the Bihar Staff Selection Commission bearing Memo No. 2353 dated 23.7.2015 and which is much prior to issuance of the notification dated 8.4.2016.



Thus, the candidature of the petitioner is valid in view of the clarification so issued by the State Government in its General Administration Department bearing No. 10878 dated 24.8.2017 referred to above.

My opinion thus, is sufficient to remit the matter before the General Administration Department for proceeding accordingly in the matter. Let final decision be taken by the General Administration Department within four weeks from the date of receipt/ production of a copy of this order.

Since, in view of the clarification issued by the General Administration Department dated 24.8.2017, its decision dated 6.6.2016 becomes non est and the case of the petitioner becomes ripe for consideration, this Court is not required to express its opinion on the validity period of qualification obtained from Hindi Vidyapeeth, Deoghar which got derecognized only on 8.4.2016. The issue is left open for discussion in appropriate case.

The writ petition is allowed with the observations and directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	11.12.2017
Transmission Date	NA

