

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1658 of 2014

IN

Civil Writ Jurisdiction Case No. 19276 of 2012

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1. Bande Lal Mehta S/o Shree Mahavir Mehta Resident of Village Jagani, Police Station Kritya Nand Nagar, District Purnea and at present posted as an Assistant Teacher, Middle School Dhusaki Tola, Police Station Baisi, District Purnea.
2. Awadhesh Kumar Mehta S/o Late Kamaleshwari Prasad Mehta Resident of Village Jagani, Police Station Kritya Nand Nagar, District Purnea and at present posted as an Assistant Teacher, Middle School Teldiha, Police Station Rupauli, District Purnea.
3. Shailendra Prasad Yadav S/o Late Dharam Chand Yadav Resident of Village Bajaraha Dira, Police Station Dhamdaha, Post Office Bareta, District Purnea and at present posted as an Assistant Teacher, Middle School Mahendra Nagar, Police Station Dhamdaha, District Purnea.
4. Ram Sewak Paswan S/o Late Brahmdeo Paswan Resident of Village Handalpur, Post Office and Police Station Mehdanli (New P.S. Bhagawanpur), District Begusarai and at present posted as an Assistant Teacher, Girls Upgraded Middle School Jailakh, Police Station Bakhari, District Begusarai.

.... Appellants

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, New Secretariat, Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Joint Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
4. The Director (Primary Education), Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
5. The District Education Officer, Purnea.
6. The District Education Officer, Begusarai.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Bijay Kumar Pandey, Advocate
Ms. Arpana Kumari, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5
Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-05-2017

Heard learned counsel for the appellants and



learned counsel for the State.

We carefully went through the order dated 19.09.2014, passed by learned Single Judge, which is under challenge. The core issue is whether the qualification or degree known as Shiksha Alankar issued from Rashtriya Patrachar Sansthan, Kanpur, Uttar Pradesh, is a valid piece of degree issued by an institution recognized by any statutory body or authority.

The learned Single Judge went through the entirety of the matter and found that the institution in question does not have any recognition or validity. Therefore, whatever degree they are selling in the name of institution cannot form the basis for getting any appointment on the post of teacher.

The learned Single Judge further took note of the fact that a forged kind of document was used, which is annexure-9 to the writ application, for trying to show that Rashtriya Patrachar Sansthan, Kanpur, Uttar Pradesh has some kind of affiliation with Kanpur University, Uttar Pradesh and, therefore, the degree is valid.

Since the petitioners did not approach the court with clean hands and as they tried to sully the stream of justice by using forged document for their advantage, the court rightly imposed cost upon the



petitioners and also dismissed the writ application.

The matter with regard to the status of Rashtriya Patrachar Sansthan, Kanpur, Uttar Pradesh is also not a matter of dispute now, because there are series of judgments of Allahabad High Court which has clearly held and declared that such institution is not an educational institution having any valid recognition from any authority.

In the above background, the impugned order passed by learned Single Judge in C.W.J.C. No. 19276/2012 does not merit any interference.

Accordingly, this appeal stands dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/**AFR**

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