

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.39 of 2015

IN

Civil Writ Jurisdiction Case No. 313 of 2013

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Ram Narayan Prasad Yadav Son of Late Darshan Yadav Resident of
Village - Dayan Chhapra, Post - Sonaul Mahoday, P.S. Sahiyara, Distt -
Sitamarhi.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Member, District Teacher Employment Appellate Authority, District - Sitamarhi.
4. The Block Development Officer, Bathnaha, Sitamarhi.
5. The Block Education Extension Officer, Bathnaha, District - Muzaffarpur.
6. The Mukhiya, Gram Panchayat Raj Dayan Chhapra, Police Station - Sahiyara, District - Sitamarhi.
7. The Panchayat Secretary, Gram Panchayat Raj Dayan Chhapra, Police Station - Sahiyara, District - Sitamarhi.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Jai Prakash Verma

For the Respondent/s : Mr. GA9- Anil Kumar Sinha

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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 appellant and
learned counsel for the State.

The order under challenge is dated
09.01.2014. The learned Single Judge by the said order
refused to interfere with the order of the Tribunal which
held that the appointment of the appellant to be bad since
he did not possess the requisite qualification which is



required for appointment on the post of Panchayat Teacher.

Admitted position is that the qualification in question based on which the appellant had earned his appointment is that of Up-Shastri. The State authorities have clearly notified in the year 2008 that certain degrees which included Up-Shastri degree are not valid degree for the purpose of appointment as a Panchayat Teacher and, therefore, dismissed the writ application.

Submission of learned counsel for the appellant is that in a similar matter in C.W.J.C. No. 6978/2013, the learned Single Judge vide order dated 14.07.2014, set aside the order of removal on the ground that any change to the rules or amendments were brought about in the year 2008 will be prospective, and since, the appellant was appointed in the year 2003 as Panchayat Shiksha Mitra and later on became a Panchayat Teacher by deeming fiction the requirement of such teachers even in the year 2006 was Intermediate. By virtue of Up-Shastri degree, a person can be appointed on the post of Sanskrit Teacher, but he cannot be allowed to become a generalist on the rationale and equivalence and occupy a post of a teacher under Panchayat.

The decision of learned Single Judge is not



required to be interfered with. So far as the judgment of learned Single Judge dated 14.07.2014 passed in C.W.J.C. No. 6978/2013 is concerned, it is required to be read in the same context as what has been stated in the earlier part of the order that Up-Shastri degrees can only beget appointment as a Sanskrit Teacher and not otherwise if the same is treated as equivalent to Intermediate by the authorities, in the very first place.

Thus, we find no merit in this appeal. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/NAFR

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