

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.476 of 2013

- =====
1. The State Of Bihar
 2. The Director, Primary Education Department Of Education, Government Of Bihar, Vikas Bhawan, Patna
 3. The District Magistrate-Cum-Chairman Of The District Establishment Committee , Nawada, District - Nawada
 4. The District Establishment Committee, Nawada District Nawada Through Its Secretary
 5. The District Superintendent Of Education (Now District Programme Officer (Establishment), Nawada, District - Nawada

.... Appellants

Versus

Kaushalendra Kumar Son Of Late Kishun Paswan Resident Of Village Jhiktora,
P.S. - Mufassil, Akauna, District - Nawada At Present Assistant Teacher Of Middle
School, Kahuara, P.S. - Nadinganj, District - Nawada

.... Respondent

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Appearance :

For the Appellants : Mr. Pushkar Narain Shahi, AAG-VI
Mr. Sanjeet Kumar Singh, Advocate
For the Respondent : Mr. Suresh Kumar Ishwar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 28-11-2017

Heard learned Additional Advocate General No.VI
representing the State of Bihar and learned counsel for the
private respondent.

The Letters Patent Appeal has been preferred against
the order dated 12.07.2011 passed by learned Single Judge,



wherein the benefit of promotion to B.A. Trained Scale has been extended despite well noticing the fact that the private respondent had a Sahitya Alankar degree relatable to the year 1990, which he claimed to be at par with a graduate degree.

The learned Single Judge has committed a basic mistake by recording in her order that the private respondent had passed Sahitya Alankar degree therefore he was eligible. There are no classes, there is no examination which is conducted by the Deoghar Vidyapith, it is an institution which sales degrees to anybody who is willing to pay the money for the same. Thiryone

This Court had occasion to deal with the status of such degree and the institution in detail in the case of ***Reeta Srivastava vs. State of Bihar and others*** reported in **2012 (3) PLJR 353**. This Court had categorically held that Deoghar Hindi Vidyapith is neither an educational institution nor University, worth the name and the degree bestowed by them cannot be given the status or quality with any other equivalent degree muchless graduation. The Court is informed that the decision rendered in the case of Rita Srivastava (*supra*) has been upheld by a Division Bench as well as Hon'ble Apex Court.

If the petitioner is really desirous to rise in life and



wants B.A. Trained Scale, then, he better earn a degree instead of procuring a degree from an institution which has no validity.

This appeal is allowed. The impugned order dated 12.07.2011 is set aside.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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