

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 528 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 23280 of 2013
With
Interlocutory Application No. 2290 of 2016.

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1. Mamta Kumari daughter of Sri Sachchidanand Singh and Wife of Sri Satish Kumar R/o Village - Pithauri, P.S. Baniapur, District - Saran (Petitioner No. 1)
 2. Vijay Kumar Rai Son of Late Dudhnath Rai Resident of village - Pachuan, P.S. Akma, District - Saran (Petitioner No. 2)

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Saran at Chapra
5. The Deputy Development Commissioner - Cum - Chairman, District Education Establishment Committee, Saran at Chapra
6. District Education officer, Saran at Chapra
7. The District Programme officer (Establishment), Saran at Chapra
8. The Block Development officer, Baniapur, District - Saran
9. The Block Development officer, Ekma, District - Saran
10. The Block Education officer, Banipur, District Saran
11. The Block Education officer, Ekma, District Saran
12. The Mukhiya of Gram Panchayat Raj Pithauri, Block - Banipur, District - Saran
13. The Mukhiya of Gram Panchayat Raj Pachuan, Block - Ekma District - Saran
14. The Mukhiya of Gram Panchayat Raj Dhawari, Block - Banipur District - Saran
15. The Panchayat Secretary, Gram Panchayat Raj Pithauri, Block - Banipur, District - Saran
16. The Panchayat Secretary, Gram Panchayat Raj Pachuan, Block - Ekma, District - Saran
17. The Panchayat Secretary, Gram Panchayat Raj Dhawari, Block - Ekma, District - Saran
18. The Member, District Teacher's Employment Appellate Authority, Saran at Chapra
19. The Head Master, Govt. Upgraded Middle School Usati, Anchal Baniapur,



District - Saran

20. The Head Master, Govt. Primary School Pachuan Harijan Toli, Anchal - Ekma,
District - Saran (Respondents)

21. The Head Master, Govt. Primary School, Najiba, Anchal Baniapur, District -
Saran (Respondents)

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Alok Kr. Sinha, Sr. Advocate and
Mr. Bhola Kumar, Advocate.

For the Respondent/s : Mr. Anirban Kundu, SC 24 and
Mr. Kumar Mangalam, AC to SC 24.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-04-2017

Re. I.A. No. 2290 of 2016.

This Interlocutory Application has been filed for
condonation of delay of 87 days occurred in filing the Letters Patent
Appeal.

This application is allowed. The delay occurred in filing
the Letters Patent Appeal is condoned.

Re. L.P.A. No. 528 of 2016.

Seeking exception to an order dated 21.01.2015 passed
by the Writ Court dismissing the Writ Petition filed by the petitioners,
this appeal has been filed under Clause 10 of the Letters Patent.

Petitioners were appointed as Panchayat Teachers in the



Government School based on the qualification, i.e., a Degree of Madhyama / Visharad, obtained by them from Hindi Sahitya Sammellan, Allahabad. However, vide the impugned order dated 03.03.2013 (Annexure-4) their services were terminated on account of the fact that the degree awarded by the Hindi Sahitya Sammellan, Allahabad is not recognized by the State of Bihar. Challenging the cancellation of appointment, the Writ Petition was filed and the Writ Court having dismissed the Petition, this Appeal.

The ground canvassed before us was that the degree granted by the Hindi Sahitya Sammellan, Allahabad was valid in the State of Bihar upto August, 2008. It was derecognized by an order passed by the State of Bihar only in the year 2008 and as the petitioners were appointed in the year 2007, much before the degree was derecognized by the State of Bihar, the learned Writ Court has committed an error in refusing to interfere into the matter.

Inviting our attention to an order passed by a Writ Court in CWJC No. 1919/2013, it was vehemently argued by the learned counsel for the appellants that as the degree in question was valid upto August, 2008, all actions taken prior to August, 2008 cannot be undone based on the fact that the degree in question is not recognized in the State of Bihar. However, disputing the aforesaid contention learned counsel for the State invited our attention to certain



observations made by the learned Writ Court in Para 2 of the impugned order with reference to a judgment of the Hon'ble Supreme Court in the case of ***Rajasthan Pradesh Vaidya Samiti, Sardarshahar & Anr. v. Union of India & Ors. (2010) 12 SCC 609.***

Having heard learned counsel for the parties, the only question which warrants consideration in this appeal is as to whether the appellants are entitled to reap the benefit of the qualification acquired by them and the degree obtained from the Hindi Sahitya Sammellan, Allahabad in view of the fact that till August, 2008 the degree was recognized in the State of Bihar. However, we find that the reason that weighed the learned Writ Court in refusing to grant relief to the petitioners were the findings recorded by the Hon'ble Supreme Court in the case of ***Rajasthan Pradesh Vaidya Samiti*** (Supra) pertaining to the same institute, namely, Hindi Sahitya Sammellan, Allahabad and the observations in Para 51 of the Supreme Court judgment which goes to show that the Hindi Sahitya Sammellan, Allahabad is neither a University nor an educational institute. It was held by the Hon'ble Supreme Court that this institute is a fraud. It is neither imparting education in any subject nor is it affiliated to any educational institute. The Hon'ble Supreme Court goes on to say that this is a fraudulent institute which is selling degree to anybody who is willing to pay and for such action there is no scope



of interference. It is not to be recognized for any benefit granted in the matter of imparting education. Considering the aforesaid observations with reference to the institute in question, we find that the existence of the institution itself is doubtful, when the finding is that the institute is selling degrees in the name of education, is not above board etc., therefore, if based on these observations the learned Writ Court has refused benefit to the petitioners it has not committed any error in dismissing the Writ Petition of the petitioners.

The contention of the petitioners that prior to August, 2008 the degree was recognized in the State of Bihar would be of no consequence or help to the petitioners once it is found by the Hon'ble Supreme Court itself that the institute from which the petitioners acquired the degree is a fraudulent institute which is not imparting any education and awarding degree after adopting illegal process etc. Considering the manner by which the degree was obtained by the petitioners as is evident from the observations made by the Hon'ble Supreme Court, we are of the view that no indulgence into the matter is required to be made. The question of the degree being recognized till August, 2008 will be of no consequence as the petitioners' degree is not a degree in the eye of law. It is only a piece of paper purchased on payment of money as is held by the Hon'ble Supreme Court and based on such a degree, we see no reason to permit the petitioners to



continue as Panchayat Teachers and impart education to the children of the State. Accordingly, finding no error in the impugned order, we dismiss this appeal.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

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CAV DATE	N/A
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