

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.615 of 2016
In
Civil Writ Jurisdiction Case No. 4424 of 2015

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Minni Dwivedi

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gauri Shankar Thakur

For the Respondent/s : Mr. Ram Balak Mahto- Ag

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 03-07-2017

On account of the fact that qualification obtained by the petitioner from the Hindi Sahitya Sammelan, Allahabad is not recognized decree and in view of the certain direction and judgment of the Supreme Court, the learned writ court has dismissed the writ petition.

The learned counsel for the petitioner tried to make out a case by placing reliance on a judgment rendered in CWJC No. 1919 of 2013 in the case of Kumari Aventika Vs. State of Bihar to say that the degree obtained by the petitioner from Hindi Sahitya Sammelan, Allahabad was de-recognized by the State Government with effect from August, 2008 and therefore, the appointment of the petitioner which was made in the year 2007 is protected as it is not obtained after the de-recognition, in the year 2008 therefore, the action taken against the petitioner is unsustainable. Except for filing of this order Annexure-3, we find that that the petitioner has not placed any order or notification in this regard indicating the date on which the qualification in



question has been de-recognized by the State Government. Even no effort has been made in the writ petition to indicate as to by which order and particularly on which the date the qualification in question was de-recognized. On the contrary, we find that the petitioner challenged the termination before the Appellate Tribunal which passed a detailed order, the same is available as Annexure-5 in the writ petition. The same goes to show that Tribunal has considered this question and found that the Personnel and Administrative Department of the State Government by a notification issued bearing no. 2062 dated 22.7.2006 has held that the qualification obtained from the Sahitya Sammelan, Allahabad is de-recognized and by another notification issued on 22.7.2006 bearing no. 8796 it has been clearly clarified that for the academic sessions 2006-2007 the appointment based on such a qualification is not permissible. The petitioner was appointed in the year 2007 i.e. in the academic sessions 2006-2007 and there being a specific finding by the Tribunal indicating that the qualification acquired by the petitioner is not approved. We see no reason to make indulgence into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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