

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1520 of 2015

In

Civil Writ Jurisdiction Case No.2923 of 2014

Badri Pandit, Son of Late Bindeshwari Pandit, Resident of Village- Ramani,
P.O. Gangapur, P.S. Murhganj, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Joint Secretary, Education Department, Bihar, Patna
5. The District Education Officer, Supaul
6. The Block Education Officer, Kishanpur, District Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-10-2017

Seeking exception to an order dated 21.04.2015
passed by the learned Writ Court in C.W.J.C. No. 2923 of 2014
this appeal has been filed under Clause 10 of the Letters Patent.

Appointment of the appellant on the post of
Assistant Teacher was quashed by the impugned order on the
ground that the so-called degree obtained by the appellant from
Varanaseva Sanskrit Vishwavidyalaya, Varanasi is not
recognized by the U.G.C. as it is a fake institute. The Writ Court
found the aforesaid to be correct and dismissed the writ petition.



Before us, even though by referring to various judgments it was tried to be indicated that the order of the learned Writ Court is not correct, we are of the considered view that all the judgments cited before us pertain to appointment of more than 32,000 teachers in the State of Bihar and the procedure to be followed for filling up the remaining 2413 post. Those judgments only relate to the right available to the aggrieved persons to approach the High Court and seek their appointment on the 2413 vacant post.

However, even if the posts are available, or if an incumbent has got appointment originally against the vacant post of 34540 by committing forgery, there is nothing in the judgments cited before us which can be put into force for granting any relief. In this case appellant was appointed on the post based on the qualification acquired by the appellant from the Varanaseva Sanskrit Vishwavidyalaya and in the writ petition it was the specific case of the State Government in Paragraphs 7 and 8 of their counter affidavit that the U.G.C. has declared the aforesaid institute as a fake institute/a fake University and in the daily newspaper "Hindustan" circulated in the State of Bihar on 27.11.2008 the University Grants Commission had displayed and notified names of fake



University in which the name of the aforesaid University also is indicated. The same is also pointed out to the appellant vide Annexure-A to the counter affidavit filed in the writ petition. Neither the aforesaid averment made in the counter affidavit by the State Government is rebutted by the appellant nor if any material adduced before us to demonstrate that this is not correct. Once it is established that the qualification acquired by the appellant which was a pre condition for appointment to the post is from a fake University, the learned Writ Court has not committed any error in refusing to make any indulgence and grant relief to the appellant.

Accordingly, finding no ground, we dismiss this Letters Patent Appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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