

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1101 of 2013
IN
Civil Writ Jurisdiction Case No. 13115 of 2013**

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Meera Kumari W/O Amresh Kumar Singh Resident Of Village - Narkatia, P.S. -
Dhaka, District - East Champaran At Motihari

.... Appellant/s

Versus

1. The State Of Bihar Through The Chief Secretary, Bihar, Patna
2. The Principal Secretary, Department Of Education, Bihar, Patna
3. The District Magistrate, East Champaran, Motihari
4. The District Development Commissioner, East Champaran, Motihari
5. The District Education Officer, East Champaran, Motihari

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh
For the Respondent/s : Mr. Samir Kumar
AC to SC-16

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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: 10-01-2017

Heard learned counsels for the parties.

The order under challenge is dated 12.07.2013, passed
in C. W. J. C. No. 13115 of 2013.

Writ application was filed by the present appellant, who
was petitioner before the Court below, for a direction upon he
respondents to give promotion to B.A. trained scale, since she had
the requisite qualification which is known as Sahitya Alankar degree
issued by Hindi Vidyapeeth, Deoghar.

The Learned Single Judge after considering the law as



well as the validity of such degree or equivalence has categorically held that Sahitya Alankar is not equivalent to graduation and therefore prayer of the petitioner was rejected. Now in the appeal, a plea is taken that she has done post-graduation from what is known as Mahatma Gandhi University, situated in the State of Meghalaya through distant education programme.

An exercise was done with regard to the validity of such MA degree as well. It seems that the said university has no authority or permission from the UGC to conduct such kind of course by distant mode prior to the year 2014. In this regard supplementary affidavit on behalf of the State has been filed, brining materials on record.

The issue is entitlement of the petitioner for grant of graduate trained scale. The eligibility in terms of the rule for such grant is based on a qualification of valid graduate degree. Since none of these two degrees have any value in the eye of law and they are as good as demonetized currency, therefore, the same cannot legally be used as legal tender for acquiring benefit of BA trained scale. The decision of the Learned Single Judge does not suffer from any infirmity.

As a desperate effort, learned counsel for the appellant relies on a Division Bench decision passed in L. P. A. No. 11 of 2014 decided on 27.01.2016, where the Division Bench has given a leeway to the said person, since he had acquired higher degree. The



facts of those case and the facts of the present writ application are totally different. Therefore, the rational and reasoning provided by the Division Bench in the case of Dr. Amresh Thakur, does not apply in the case of the present appellant, because even the so called higher degree of MA obtained by the appellant had no recognition or validity in the eye of law.

The appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

(Nilu Agrawal, J)

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