

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3064 of 2017

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Bishnu Ram @ Vishnu Ram, Son of Late Ghonghai Ravidas, Resident of Village Kumhari, P.O.- Durgaganj, P.S. Kadwa, District- Katihar, presently working as Incharge Head Master, Primary School, Kumhari under Block Kadwa, District- Katihar. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea Division, Purnea.
5. The District Magistrate, Katihar.
6. The District Education Officer, Katihar.
7. The District Programme Officer (Establishment), Katihar.
8. The District Programme Officer (Sewa Siksha Abhiyan), Katihar.
9. That Block Education Officer, Kadwa Block, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s	:	Mr. Madanjit Singh- Gp20
For BEPC		Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 22-03-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that in LPA No. 11 of 2014 and LPA No. 1027 of 2014 the two division Bench have occasioned to examine the issue involved in the present writ application. In both the LPAs, the court held out that the petitioners have obtained post-graduate qualification from a recognized University and as such notwithstanding the fact that the petitioner has obtained 'Sahitaya Alankar' degree from Deoghar Hindi Vidyapith is eligible for grant of appointment and promotion.

Learned counsel appearing on behalf of the



respondents with reference to averments made in the counter affidavit submits that qualification of the 'Sahitaya Alankar' from Deoghar Hindi Vidyapith is not recognized and valid degree and as such no relief can be granted to the petitioner on the strength of such degree of 'Sahitaya Alankar'.

In view of the decision of the two Division Bench in LPA No. 11 of 2014 and LPA No. 1027 of 2014, the court is left with no option but to allow the writ application and direct the respondents to act in accordance with principle laid down by the LPA Court in LPA No. 11 of 2014 and LPA No. 1027 of 2014 to consider the case of the petitioner afresh in view of the order contained in Annexure-12 as part of I.A. No. 8749 of 2017 cannot be given effect and accordingly set aside.

Fresh decision in this regard shall be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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