

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5359 of 2017

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1. Chhotan Ram, Son of Jethan Ram, Resident of Village- Lattha, Rafiganj, P.S.-
Pauthu, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar, Patna.
3. The Deputy Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director, Primary Education, Gaya.
5. The District Education Officer, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. Pramod Kumar Singh, A.C. to- SC16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 22-03-2018

Heard learned counsel for the petitioner, counsel appearing on behalf of the State.

The only issue involved in the writ application is whether the degree obtained by the petitioner prior to 7.5.2012 is valid for the purpose of appointment or not. On behalf of the respondent, counter affidavit has been filed enclosing Annexure-A and B. From Annexure-A, it appears that vide Notification dated 8.4.2016 degree of Sahitya Alankar from Deoghar Vidyapeeth is valid up to 7.5.2012. So far as Sampurnannd University is concerned from perusal of Annexure-B, it appears that it was recognized as equivalent of the matric, intermediate B.A. course. In the counter affidavit, however, there is no indication that when degree of Sampornanand has been discontinued as valid degree and derecognized.



In view of the fact that the only issue is whether on the date when the petitioner has obtained the degree and description from Sampurnanand University were valid or not, this aspect of the matter is required to be examined by the respondent and if on the date of appointment and consideration petitioner degree was legally and valid, the respondent are required to consider promotion of the petitioner on the basis of graduate and post graduate qualification for the purpose of promotion to the post of head master, if on the date, the petitioner has acquired such degree was illegal and valid.

Necessary decision in this regard may be taken by the respondent within a maximum period of 60 days from the date of receipt / production of a copy of this order. It is not in dispute that from 11.04.83, the respondents have admitted the equivalent degree obtained from Sampurnanand University and as such the only issue to be examined by the respondent is when this equivalent degree was withdrawn or discontinued by the respondent and in the absence of any decision withdrawing the recognition of the degree of Sampurnanand University respondent cannot deny consideration and grant of promotion to the petitioner on the basis of qualification obtained for Sampurnanad University.

Sanjeev/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

