

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7578 of 2015

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Gyan Shankar Yadav, Son of Ram Swarup Yadav, Resident of Village -
Ghorghat, Police Station - Bariyarpur, District – Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director, Munger.
6. The Block Education Officer, Haweli Kharagpur, District - Munger.
7. The Head Master, Middle School, Goura, Harizan, Haweli Kharagpur, District – Munger.
8. District Education Officer (DEO), Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate

For the Respondent/s : Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date : 03-12-2018

Learned counsel for the petitioner is permitted to implead the District Education Officer, Munger as party respondent no.8 during the course of the day.

2. The petitioner is aggrieved by the order as contained in Annexure-11 i.e. Office Order as contained in Memo No. 2131 dated 14.07.2012 whereby the services of the petitioner has been dispensed with on the ground that the certificate of the petitioner from Mandar Vidyapeeth, Bhagalpur is not recognized.



3. Learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the letter issued by the Under Secretary to the Government, Personal and Administrative Reforms Department, which recognized the degree obtained from Mandar Vidyapeeth, Mandar as valid if obtained up to 31.2.1987.

4. Considering the aforesaid, the writ application is disposed of with a direction to the Director, Primary Education to examine the case of the petitioner in the light of letter no. 2002/86 dated 07.01.1987 and if the respondents themselves have extended the recognition of Mandar Vidyapeeth, Mandar up to 31.12.1987, they cannot take different view in the matter of recognizing the said qualification/certificate after appointment of the petitioner as Assistant Teacher out of 34540. If the State Government has taken the decision, which has not been superseded subsequently, the benefit of Annexure-7 dated 07.01.1987 is available to the petitioner and the Director, Primary Education is required to pass appropriate order extending the benefit of Annexure-7 to the petitioner and take appropriate corrective measures by setting aside the order contained in Annexure-11, which was passed by the District Education Officer, Munger whereby the services of the petitioner has been terminated.



5. Necessary decision as to the validity of the qualification of the petitioner from Mandar Vidyapeeth, Mandar may be taken by the Director, Primary Education within a period of sixty days from the date of receipt/production of a copy of this order and if the Director, Primary Education finds that Annexure-7 applies in the case of the petitioner, as his degree is prior to 31.12.1987, the petitioner would be entitled to all the consequential benefits as if Annexure-11 never exist. Final decision as to the consequential benefits must be taken by the respondents within a maximum period of 15 days from the date of such decision.

6. While taking the decision, the Director, Primary Education is also required to see that similarly circumstance other were granted the benefit of extension of recognition up to 31.12.1987 in relation to Hindi Vidyapeeth, Deoghar, namely, Sunaina Devi and Arti Devi.

7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2018
Transmission Date	

