

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16372 of 2017

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1. Abhishek Singh, Son of Ramtiha Singh, R/o- Village- Danibigha, Basdiha, P.S. - Navi Nagar, District- Aurangabad.
 2. Chandan Kumar, S/o Gaya Yadav, R/o Village- Yadu Bigha, P.O.- Latta, P.S.- Pauthu, District- Aurangabad.
 3. Royushan Rajak, S/o Suryadeo Rajak, R/o Village, P.O.- Kunda, P.S.- Mufassil, Aurangabad, District- Aurangabad.
 4. Dharmendra Sao, S/o Tulsi Sao, R/o Village + P.O. Kataiya, P.S.- Dev, District- Aurangabad.
 5. Satyendra Kumar, S/o Nathun Yadav, R/o Village- Bhetniya, P.O.-Indwar, P.S.- Pauthu, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Postal Department (Dak Bhavan), Sanchar Bhavan, Sansad Marg, New Delhi.
2. The Director General, Dak Bhavan (Sanchar Bhavan) Sansad Marg, New Delhi.
3. The Chief Post-Master General, Bihar Circle, Meghdoot Bhavan, G.P.O. Campus, Patna.
4. The Director of Post Office, Head Quarter, Circle Office, Meghdoot Bhawan, G.P.O. Campus, Patna.
5. The Assistant Director, Recruitment Office of Chief Post Master General, Bihar Circl, Meghdoot Bhavan, G.P.O. Campus, Patna.
6. The Chairman, Bihar Sanskrit Siksha Board, 17, Back Harding Road, Patna, Bihar- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mr. S.D SANJAY (ADDL. SOC. GEN.)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

C.A.V. JUDGMENT

Dated 06th April, 2018

The petitioners have preferred the present writ petition for directing the respondents to stay the operation of recruitment process published under notification dated 18.09.2017, issued for the selection to be made on the post of Gramin Dak Sevaks till the respondents give opportunity to the petitioners to fill up the on line forms, who have passed



matriculate / 10th examination from the Bihar Sanskrit Shiksha Board (hereinafter referred to as the 'B.S.B.B.'), Patna and to quash the notification / advertisement which is based on serious discrimination.

The short facts of the case are that on line applications for appointment to the post of Gramin Dak Sevaks, Bihar Circle in the present case, were invited vide notification dated 18.09.2017 and the minimum prescribed educational qualification was that the candidates should have passed 10th standard from approved State Boards by the respective State Governments / Central Government, State wise list whereof, of the approved Boards was annexed as Annexure-A to the said notification. Annexure-A of the said notification dated 18.09.2017, though mentions the Bihar School Examination Board, Patna as an approved Board, however, the B.S.S.B., Patna is not one of such approved Board, hence the petitioners herein could not apply in the said recruitment process since they were possessing 10th pass certificate from the B.S.S.B., Patna.

The learned counsel for the petitioners submits that the B.S.S.B., Patna has been granted membership by the council of Boards of School Education in India, Delhi (hereinafter referred to as the "C.O.B.S.E.") and the C.O.B.S.E. has certified



vide its letter dated 05.10.2012 that the Madhyma certificates issued by the B.S.S.B., Patna would have equivalence to secondary (Matriculation) certificates of other member Boards across the country. It is submitted that the respondents cannot discriminate amongst two Boards i.e. while it is recognizing the Bihar School Examination Board, it has failed to recognize the B.S.S.B., Patna as an approved Board, thus the same amounts to violation of the provisions contained in Articles 14, 15 and 16 of the Constitution of India. The learned counsel for the petitioners has also relied on the unreported judgment dated 04.12.2017 passed by the Hon'ble Allahabad High Court in Writ-(A) No. 57732 of 2017 in the case of Ajay Kumar Sharma and another vs. Union of India and others wherein the Chief Postmaster General, U.P. Postal Circle at Lucknow had been directed to upload the software showing that the candidates having passed Purva, Madhyma are also eligible for the purposes of applying to the post of Gramin Dak Sevak, on the basis that the Purva, Madhyma certificate issued by the U.P. Board of Sanskrit Education at Lucknow has been notified by the Ministry of H.R.D., Government of India by its notification dated 23.02.2010 to be equivalent to Class-10.

Per contra, the learned counsel for the respondents has



submitted that the entire process of submission of application forms on line is already over, hence the petitioners are not entitled to any relief. It is further submitted that the requisite educational qualification is matriculation / 10th standard pass from approved State Boards by the respective State Governments / Central Government as per the State wise list of approved Boards as per Annexure-A to the aforesaid notification dated 18.09.2017 and since B.S.S.B., Patna is not one of the approved Board as per Annexure-A to the aforesaid notification, the petitioners are not eligible to apply to the aforesaid recruitment process.

I have heard the learned counsel for the parties and gone through the materials on record. The recruitment notification dated 18.09.2017 specifies that the candidates who have passed the 10th standard from approved State Boards by the respective State Governments / Central Government, list whereof has been given at Annexure-A would be eligible for making application. The petitioners have produced a certificate issued by C.O.B.S.E. dated 05.10.2012 to contend that the Madhyma certificates issued by the B.S.S.B., Patna is equivalent to secondary (matriculation) certificates of other member Boards across the country, however, the fact remains



that the said C.O.B.S.E. is a voluntary association of the Board of School Education in India and provides academic support to its member Boards. The petitioners have failed to produce any evidence to the effect that the said C.O.B.S.E. has been either been authorized by the State Government or the Central Government to recognize the various Boards in India and grant certificates to the said effect, hence no value can be attached to the certificate of C.O.B.S.E. produced by the petitioners and that too dated 05.10.2012. The petitioners have failed to bring anything on record to show that the Madhyama certificates issued by the B.S.S.B., Patna have equivalence to secondary / matriculation / 10th standard certificates of the other recognized Boards. In fact such certificates / notification showing equivalence of the Madhyama certificates issued by the B.S.S.B., Patna is required to be issued either by the State Government or Central Government but no such certificate / notification has been brought to the notice of this Court. As far as the judgment in the case of Ajay Kumar Sharma (supra) is concerned, in the said case, the Ministry of H.R.D., Government of India by notification dated 23.02.2010 had notified the Purva / Madhyama certificate issued by U.P. Board of Sanskrit Education, Lucknow to be equivalent to Class-10 but in the present case no such



certificate / notification has been produced by the petitioners herein. Thus the fact which emerges from the aforesaid discussion is that B.S.S.B., Patna is neither an approved Board by the State Government nor by the Central Government.

Having regard to the facts and circumstances of the case, no relief can be granted to the petitioners, hence the present writ petition is dismissed. However, liberty is granted to the concerned petitioners to approach the concerned respondents , if the petitioners can lay hand on any notification issued either by the State Government or the Central Government recognizing the B.S.S.B., Patna and treating the Madhyma certificates issued by it to be equivalent to the secondary / matriculation/ 10th pass certificate issued by the approved Boards to give them the same relief as has been given to the petitioners of the aforesaid Writ-(A) No. 57732 of 2017 decided by the Hon'ble Allahabad High Court on 04.12.2017.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	12.02.2018
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