

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17798 of 2015

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1. Ajay Kumar Singh, Son of Late Vishwanath Singh, presently posted as Madhya Vidyalaya, Bhore, Circle- Bhore, District- Gopalganj.
 2. Hariram Harijan, son of Late Ramdhari Harijan, presnetly posted as Madhya Vidyalaya Bankata Jagirdari, Bhore, Circle- Bhore, District- Gopalganj.
 3. Suresh Singh, Son of Paramhans Singh Presently posted as Prathmik Vidyalay Bhikhachhapar, Circle- Bhore, District- Gopalganj.
 4. Brijbihari Vishwakarma, Son of Late Nathuni Prasad Vishwakarma, Presently posted as Yugultola, Sisai, Circle- Bhore, District- Gopalganj.
 5. Vyas Ram, Son of Jagdeo Ram Presently posted as Uccha Madhya Vidyalaya Tota Dharhara, Circle- Kateya, District Gopalganj.
 6. Paras Ram, Son of Late Bijai Ram, Presently posted as Madhya Vidyalaya Balwa, Pathkhauli, Circle- Bhore, District- Gopalganj.
 7. Arvind Kumar Rai, Son of Late Chuman Rai, Presently posted as Prathmik Vidhyalaya Bagahawan Mishr, Circle- Bhore, District- Gopalganj.
 8. Brijkishore Upadhyay, Son of Late Indradeo Upadhyay, Presently posted as Madhya Vidhyalaya, Sisai, Circle- Bhore, District- Gopalganj.
 9. Yugal Kishore Tiwari, Son of Late Paramhans Tiwari, Presently posted as Uccha Madhya Vidhyalaya Badhara, Circle- Bhore, District- Gopalganj
 10. Jai Prakash Dwivedi, Son of Late Ramanand Dwivedi, Presently posted as Madhya Vidhyalaya Kateya, Balak Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Education Officer, Gopalganj.
3. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh
For the Respondent/s	:	Mr. A K Rastogi, AAG 10
		Mr. Naman Nayak, AC to AAG 10

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2018

Heard learned counsel for the parties.

In view of the statements made in paragraphs-5 and



10 of the writ application where the petitioners have specifically stated that after obtaining degree of Sahitya Alankar from Hindi Vidyapeeth, Deogharr they have further improved their qualification by obtaining Post Graduate degree, the writ petition is required to be decided in the light of the judgment dated 01.05.2018 of a Division Bench of this Court in LPA No. 11 of 2014 wherein the issue of obtaining higher degree after obtaining Sahitya Alankar from Hindi Vidyapeeth, Deoghar has been discussed and noticing the fact of improvement of further qualification the Division Bench has allowed the appeal.

Learned counsel appearing for the State has placed reliance on the decision in LPA No. 13901 of 2012 dated 16.08.2012, pursuant to which the order contained in Annexure-1 to the counter affidavit was passed by the Principal Secretary where the Principal Secretary has noted the judgment of the Division Bench in the case of ***Ganesh Prasad Srivastava vs. Punjab National Bank [2004(1) PLJR 387]*** and the decision of another Division Bench in the case of *Reeta Srivastava vs. State of Bihar & Ors.* (CWJC No. 13343 of 2011 disposed of on 07.05.2012).

The aforesaid decision relied upon by the Principal



Secretary has no application in the facts and circumstances of this case as that was the case where the degree of Sahitya Alankar was the only issue. There was no occasion for distinguishing the case of the petitioner or the appellant who has acquired further qualification after obtaining the degree of Sahitya Alankar. Distinction drawn in LPA No. 11 of 2014 is squarely applicable in the instant case and as such the Court does not find any substance in the submission made on behalf of the respondents. It is accordingly rejected.

In view of the above, the respondents are required to take appropriate decision in terms of the judgment in LPA No. 11 of 2014 within a 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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