

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25230 of 2013

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NIRMALA BHARTI W/O PRAMOD KUMAR PRABHAT RESIDENT OF
VILLAGE- PASRAHA, , P.O- PASRAHA, P.S- PASRAHA, DISTRICT-
KHAGARIA.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Education, Deptt. New Secretariat, Patna, Bihar.
2. Block Education Extension Officer, Gogri, At Gogri, District- Khagaria.
3. Mukhiya Gram Panchayat Pradeep Thakur, P.O & P.S- Pasvate District- Khagaria.
4. Panchayat Secretary Gram Panchayat Paskraha At & P.O- Pashraha, District- Khagaria.
5. Head Master, Middle School Lashiminia, P.O & P.S- Pasvate District- Khagaria.
6. The District Education Officer, Khagaria.
7. The District Magistrate, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinit Sinha, Advocate
For the Respondent/s	:	Mr. Kumari Amrita, GP 3
		Mr. Mithilesh Kr. Upadhyaya, AC to GP 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 31-10-2018

Heard learned counsel appearing for the petitioner and
learned counsel representing the State.

The petitioner is aggrieved by part of the order passed
by the District Teachers Employment Appellate Authority,
Khagaria in Case No. 32/2012 dated 06.12.2012.

Mr. Vinit Sinha, learned counsel for the petitioner would
submit that the petitioner was appointed as a Teacher in Middle
School, Lachhimina in the district of Khagaria on 02.12.2006 on



the basis of her certificate of passing Matric Examination from Central Board of Higher Education in the year 1989 and obtaining training from P T College, Bhagalpur in 1994. Her appointment was cancelled on the ground that the certificate on the basis of which she was appointed was not valid certificate.

Learned counsel for the petitioner has drawn attention of this Court to the Division Bench judgment of this Court in CWJC No. 2270 of 1991 (Renuka Devi vs. State of Bihar & Ors.), whereby the Division Bench has held out that the examination conducted by the Central Board of Higher Education was recognized by the State of Bihar as equivalent to Matric Examination from the year 1975 and relying upon the validity of that certificate as equivalent to Matriculation that writ petition was allowed.

In view of the above, the controversy whether the certificate of the Central Board of Education is valid degree is no more *res integra*. There is no dispute as to the validity of teachers training obtained by the petitioner.

In view of the above factual legal position, this writ petition deserves to be allowed. The order passed by the District Teachers Employment Appellate Authority, Khagaria contained in Annexure-1 cannot sustain as the Appellate Authority has upheld



the decision of the Block Education Extension Officer, Gogri, who has held out that the certificate of the petitioner is inappropriate. Such decision of the Block Education Extension Officer is not in consonance with the findings of the Division Bench in CWJC No. 2270 of 1991 (supra).

Accordingly, the order contained in Annexure-1 to the extent the decision of the Block Education Extension Officer, Gogri is concerned, is hereby quashed and is declared nullity in view of the conflict with the decision of the Division Bench and the finding recorded by the Block Education Extension Officer, Gogri. The respondent authorities are directed to extend the petitioner all the benefits of appointment with all consequential benefits 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)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.11.2018
Transmission Date	N.A.

