

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16557 of 2011

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Md. Allauddin Noori, Son of Md. Azhar Ali, Resident of Village- Dangi Para, P.O.-
Taiyabpur, P.S.- Pothia, District- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, H.R.D. Department, Govt. of Bihar
2. The District Magistrate, Kishanganj
3. The Member, District Teachers Employment Appellate Tribunal, Kishanganj
4. The Block Development Officer- Cum- Executive Officer, Pothia, Kishanganj, District- Kishanganj
5. The District Programming Officer (Establishment), Kishanganj, District- Kishanganj
6. The Deputy Director, Area Education, Purnia, District- Purnia
7. The Director (Primary Education), Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
8. The Pramukh, Panchayat Samiti, Pothia Block, Pothia, District- Kishanganj
9. The Block Education Extension Officer, Pothia, Kishanganj District- Kishanganj
10. Bharat Lal, Son of not known, Resident of Village and P.O. Taiyabpur, P.S. Pothia, District- Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mrs. Deepanjali Gupta, AC to GP-10
Mr. Bhola Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 11-10-2018

The present writ application has been filed on
20.09.2011.

2. On 23.09.2011, a Co-ordinate Bench of this Court
stayed the operation of order dated 08.08.2011 passed in Case No.
364 of 2011.

3. The Court noted the fact that similar issue is
pending consideration before this Court in C.W.J.C. No. 14842 of



2009 and accordingly directed the case to be listed along with C.W.J.C. No. 14842 of 2009.

4. C.W.J.C. No. 14842 of 2009 was withdrawn on 21.06.2012, thereafter this case was listed for admission.

5. After obtaining interim order of stay on 23.09.2011, the petitioner has neglected the present writ application, despite the fact that this Court has granted indulgence on different dates. In the aforesaid circumstance, the case is listed today under the heading "For Dismissal" to provide one more opportunity to the petitioner to assist the Court, but no one has appeared on behalf of the petitioner.

6. Under the compelling circumstances, the Court is left with no option, but to decide the present writ application on the basis of the pleadings available on record.

7. The petitioner has filed the present writ application for quashing order dated 08.08.2011 passed in Case No. 364 of 2011 by the District Teachers Employment Appellate Authority, Kishanganj, whereby the petitioner's appointment was cancelled.

8. The petitioner was appointed as Block Teacher on 11.12.2006. His appointment was challenged by respondent no.10 on the ground that the petitioner has not fulfilled the requisite qualification, particularly, that the qualification of Moalim-E-Urdu is



not equivalent of B.Ed. and the qualification of Adeb-E-Kamil is also not equivalent to B.A. degree. The Appellate Authority after consideration of the various circulars issued by the State Government allowed the appeal and held out that the appointment of the petitioner is illegal.

9. From perusal of Annexure-1 Series, it would be evident that the so-called Urdu Teachers Training was obtained by the petitioner in 2001 and petitioner was declared pass in the examination in April, 2002, whereas the degree of B.A. Bridge course was obtained in 2003. The aforesaid facts indicate that the degree of Teacher Training, equivalent to B.Ed. cannot be accepted, as the degree of B.A. is subsequent to the alleged acquisition of degree of B.Ed. and considering the aforesaid, if the Appellate Authority has interfered with the appointment of the petitioner, the Court does not find any error in the order passed by the Appellate Authority.

10. According, the writ application is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	

