

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1523 of 2015

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Shrikant Kumar Son of Mahaveer Prasad, Resident of Village- Kakaria Dhav,
P.O.- Bandaia, P.S. -Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary, Human Recourse, Department, Government of Bihar.
2. The District Magistrate, Jehanabad.
3. The D.E.O., Jehanabad.
4. The D.P.O., Establishment, Jehanabad.
5. The B.E.O., Makhdumpur, District- Jehanabad.
6. The Vice Chancellor M.U. Bodh Gaya, Bihar.
7. Rambhavan Yadav, Son of Rameshwar Yadav, Resident of Village- Pakar Bigha, P.S. + P.O.- Ghoshi, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nitya Nand Neeraj, Advocate
For the State	:	Mr. K. Kumar, G.P.17
		Mr. S. K. Ranjan, A.C. to G.P. 17
For the University	:	Mr. Aravind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following

reliefs:

“(i) An application for issuance of appropriate writ/order/Direction to the respondents for quashing the memo No. 2095 dated 18/10/2014 issued by D.E.O. Jehanabad in which cancelled the joining of the petitioner as CRCC teacher in primary school Amarpur, Makhdumpur, Jehanabad.

(ii) For issuance of appropriate writ/Order/Direction to the Respondents for cancelled of joining of (Respondent no. 7) in place of petitioner in CRCC Primary school Amarpur, Makhdumpur, Jehanabad vide Memo No. 745 dated 05/11/2014.

(iii) For issuance of appropriate Writ/Order/Direction to the Respondents for treat as general teacher but payment has been made according



to trend teachers.

(iv) For an appropriate writ/Order/Direction to the Respondents for other relief or reliefs for which petitioner is entitle.”

3. It appears that the petitioner has C.P.ED qualification and thereafter was appointed on the post of Shiksha Mitra on 10.08.2005. Thereafter, he obtained B.Ed. Degree in the year 2010 though the same was not permissible as C.P.ED was not a qualification eligible for taking B.Ed. Course. The petitioner obtained the B.Ed. Degree suppressing the fact that he was possessing C.P.ED qualification and on the basis of such B.Ed. Degree, he was selected as CRCC teacher in Primary School, Amarpur, Makhdumpur in the District of Jehanabad. Later on, it was detected that the petitioner had obtained the B.Ed. Degree in an irregular manner and, thus, the same was not valid for appointment as CRCC teacher and accordingly such engagement has been cancelled and the petitioner now has been reverted back to his post as a Panchayat Teacher.

4. Learned counsel for the petitioner submitted that the B.Ed. qualification was permissible for C.P.ED degree holders and, thus, the petitioner having obtained the same cannot be said to have done so in an irregular or illegal manner. From the pleadings it appears that copy of the counter affidavit on behalf of the State has



been served on learned counsel for the petitioner on 07.07.2015, i.e., more than three years back in which such stand has been taken. However, till date, no rejoinder to the same has been filed.

5. Thus, in the absence of any material to indicate that the stand taken by the authorities is in any way improper and needs interference, the Court finds that there is no ground to interfere in the decision of the authorities and the petitioner is held not eligible for being appointed as CRCC teacher. The authorities have in fact been indulgent with him by not removing him from service due to such act and have retained him as a Panchayat Teacher on which he is still continuing.

6. In view thereof, the Court does not find any merit in the writ petition and the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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