

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18959 of 2012

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Jasimuddin Ansari, Son of Salamuddin Ansari, Resident of Village- Kashigavan,
Post Office- Bajari, Police-Station and District Rohtas, Sasaram

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Joint Secretary, Department Of Education, Government of Bihar, Patna
5. The District Education Officer, Rohtas
6. The District Programme Officer (Establishment), Rohtas
7. The Block Education Extension Officer, Block- Dawath, District Rohtas
8. The Block Development Officer, Block Dawath, District Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Respondent/s : Mr. Tripurari Nath, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 23-08-2018

From order dated 10.07.2013, it appears that this Court has taken note of the fact that the petitioner's claim to have obtained B.Ed degree from All India Talim Ghar, Lucknow (U.P.), which is recognized by the Government of U.P. and prayer has been made for recognition of the same for the purpose of validity of the appointment.

2. After order dated 10.07.2013, the petitioner has filed supplementary affidavit claiming therein that the degree obtained by the petitioner is prior to coming into force the National Council for Teacher Education (NCTE) Act. In 3rd supplementary affidavit filed on behalf of petitioner statement has been made that the petitioner was terminated in violation of principles of natural justice and without



following the provisions of Article 311(2) of the Constitution of India.

3. The issue of validity of similar degree in the matter of appointment of 34540 Assistant Teachers was examined by this Court in several matters and the Division Bench in the case of **Md. Noorul Huda Khan & Ors. Vs. The State of Bihar & Ors.**, reported in **2018 (3) PLJR 348** has held out that the action of termination of the teacher, whose certificate was found to be in appropriate is permissible.

4. The claim as to non-compliance of principles of natural justice in the instant case is unsustainable for the reason that the institution in question was never recognized by the State of Bihar and as such by granting any indulgence in the name of non-compliance of natural justice the petitioner cannot improve his case and as such the Court is of the view that it can be only useless formality to interfere in the matter of termination of the petitioner in view of the judgment of the Apex Court in the case of **Canara Bank Vs. V. K. Awasthi**, reported in **(2005) 6 SCC 321**.

5. Considering the aforesaid, the Court does not find any merit in the writ application. Accordingly, the same is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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