

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7525 of 2013

=====

Vidya Karan Bhushan, S/O Late Sukhu Das, Resident of Village - Terasiya, P.O. Ratnakar Hazipur, P.S. - Gangabridge, Block - Raghapur, District - Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
 2. The Director, Primary Education, Govt. of Bihar, Patna
 3. The District Education Officer, Vaishali at Hajipur
 4. The District Programme Officer (Establishment), Vaishali at Hajipur
 5. The Block Education Officer, Block- Mahua, Distt.- Vaishali at Hajipur
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate
Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Nawal Kishore Singh, AC to GP 26

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 19-06-2018

Heard Mr. Pramod Kumar Singh, learned counsel for
the petitioner and the learned counsel for the respondents.

The issue with regard to legality and validity of the
training certificate and on that basis termination of petitioner is before
this Court. The petitioner was appointed as Assistant Teacher under
the 2010 Special Recruitment Rules whereby 34540 Assistant
Teachers were appointed under the direction of the Apex Court in
Nand Kishore Ojha Vs. Anjani Kumar Singh. The matter was
examined at length and then under the direction of the Apex Court
One Man Committee of Hon'ble Justice S.K. Chattopadhyaya, a retired
Judge of Jharkhand High Court, was constituted and a panel was
prepared and out of that panel 34540 Assistant Teachers were
appointed. Subsequently, the issue with regard to verification of the
certificate led to termination of many teachers, whose degree of



training was not found to be appropriate.

Learned counsel appearing on behalf of the petitioner referring to the judgment of the Apex Court in the case of Nand Kishore Ojha (supra) submitted that the petitioner once appointed cannot be touched and validity of degree and training certificate is impermissible.

In view of the judgment of the Apex Court, this issue was considered by different Benches of this Court and finally controversy was settled by Division Bench in L.P.A. No. 1712 of 2012 vide judgment dated 28.12.2017 and the Division Bench noticing the judgment of the Apex Court and the other judgments rendered by learned Single Judge of this Court has approved the termination holding that the decision of the Apex Court does not disentitle the respondent authorities to examine the legality, validity and the genuineness of the certificate on which they have obtained appointment.

In view of the judgment of the Division Bench in L.P.A. No. 1712 of 2012, this court does not find any merit in the contention of the petitioner. Accordingly, the writ petition is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2018
Transmission Date	

