

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11877 of 2016

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1. Avinash Kumar, Son of Late Dahu Mahto, resident of Mohalla- Linepar Mirzapur Nawada, P.O. + Police Station & District- Nawada, at present Assistant Teacher, Nagar, Middle School Nawada, Police Station & District- Nawada.
 2. Mukesh Chandra Chaudhary, son of Late Dwarika Prasad Sinha, resident of Mohalla- Linepar Mirzapur Nawada, P.O. + Police Station & District- Nawada, at present Assistant Teacher, Nagar, Middle School Nawada, Police Station & District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The District Education Officer, Nawada.
5. The District Programme Officer (Establishment), Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate

For the Respondent/s : Mrs. Archana Meenachi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 25-04-2018 Heard counsel for the petitioners and counsel
appearing for the respondents.

2. Learned counsel for the petitioners submits that the case of the petitioners is covered by the judgment of the Division Bench in L.P.A. No.11 of 2014 dated 27.01.2016.

3. Mr. Ram Sagar Singh, learned counsel for the petitioners submits that petitioners joined the School in the year 1991 and thereafter they have passed Sahitya Alankar from Hindi Vidyapith, Deoghar in the year 1993 and on the strength of the



degree of Sahitya Alankar from Hindi Vidyapith, Deoghar and petitioner no.1 has also obtained M.A. degree in the year 2004. Learned counsel for the petitioners submits that the degree obtained from Hindi Vidyapith, Deoghar prior to 2008 was recognized and valid degree, as for the first time the respondent come out with a notification declaring the degree from Hindi Vidyapith, Deoghar is invalid w.e.f.25.08.2008 (Annexure-A). The degree was earlier recognized vide Annexure-2 i.e. Memo No. 541 dated 11th of January, 1991.

4. In view of the above, when the degree was recognized by the State of Bihar in the year 1991 and it was derecognized in the year 2008, the degree of Sahitya Alankar obtained by the petitioners in the year 1993 shall be deemed to be recognized. So far as petitioner no.1 is concerned it is valid for the added reasons that after the degree obtained by the petitioner from Hindi Vidyapith, Deoghar he has obtained Post Graduate degree, which according to the Division bench judgment is enough to confer recognition to the degree of the Sahitya Alankar obtained from Hindi Vidyapith, Deoghar, as held out by the Division Bench in L.P.A. No. 11 of 2014 dated 27.01.2016.

5. Learned counsel further submits that the petitioners have also obtained B.A. degree from Magadh



University.

6. Considering the totality of the facts situation, the Court is of the view that the degree of Sahitya Alankar from Hindi Vidyapith, Deoghar, which was recognized in 1991 and derecognized after 2008 and as such during the intervening period degree obtained by the petitioners cannot be doubted and ignored in the matter of granting promotion, the respondents are accordingly directed to work out the entitlement of the petitioners for grant of Graduate Trained Scale treating degree of Sahitya Alankar from Hindi Vidyapith, Deoghar as valid. The respondents are further directed to shift back the date of promotion from the date the petitioners were entitled treating the degree of Sahitya Alankar is valid. The entire exercise in this regard must be completed within a period of 60 days from the date of receipt/production of a copy of this order.

7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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