

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17064 of 2011

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Priya Ranjan S/O Shatrighna Prasad Sinha Resident Of Village & P.S.-
Pandarak, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Regional Deputy Director Of Education, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sidharth Harsh, Advocate
For the Respondent/s	:	Mr. Ajay Bihari Sinha, G.A.-8
		Mr. Neeraj Raj, A.C. to G.A.-8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 14-09-2018

Learned counsel appearing on behalf of the petitioner
and learned counsel appearing on behalf of the State.

2. Mr. Sidharth Harsh, learned counsel appearing on
behalf of the petitioner in C.W.J.C. No. 17064 of 2011 has
submitted that petitioner was appointed in the project school on
the basis of training certificate from Sister Nivedita College is a
valid degree for appointment.

3. Mr. Harsh relied upon the decision of the Jharkhand
High Court.

4. The decision of the Jharkhand High Court was
rendered in the peculiar facts that the appointment of the writ



petitioner was cancelled after provisional approval of the appointment. The court has held out that the NCTE Act is prospective in the nature and the same came into force with effect from 01.07.1995. The court noted the peculiar facts of the case that petitioner of W.P.(S) No. 5412 of 2005 has earlier approached the writ court in C.W.J.C. No. 3433 of 2000 and the same was remitted to the Director, Primary Education to decide the claim. It was mentioned that if Dr. B.C. Roy Education College, Kalcutta is recognized by the Government of West Bengal and similar institution, namely, Sister Nevedita College, Calcutta has been recognized and the teachers trained from the said college have been allowed the benefit by this Court, then he will do needful relating to approval of the service of the petitioner.

5. The judgment of the Jharkhand High Court was rendered in the context of the submission that the institution was not recognized by NCTE whereas the present case involves the issue whether the Sister Nivedita Teachers Training College, Kolkata was recognized by the State Government prior to come into force the NCTE Act or not.

6. From perusal of Annexure-A to the Supplementary counter affidavit, it appears that at the relevant time when the



petitioner claimed to have obtained teachers training certificate from Sister Nivedita College, Kolkata the institution was not recognized by the Government of West Bengal.

7. In view of the aforesaid distinguishable facts, the Court is unable to subscribe the view taken by the Jharkhand High Court. The case at hand is distinguishable on fact and in view of the Annexure-1, on enquiry it transpired that the Sister Nivedita Teachers Training College, Kolkata was not recognized by the State of West Bengal.

8. In view of the above, the Court does not find any merit in the contention of the writ petitioner and accordingly, the writ petition is dismissed.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
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