

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15520 of 2009

=====

Dinesh Kumar Ram S/O Bundi Lal Ram Vill.- Manua, P.O.- Ishmailpur, P.S.-
Hajipur, Distt.- Vaishali

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Commissioner Cum Secretary Department Of Education, Govt. Of Bihar, New Secretariat, Bihar, Patna
2. The Director Department Of Secondary Education, Government Of Bihar, New Secretariat, Bihar, Patna
3. The Director Department Of Primary Education, Government Of Bihar, New Secretariat, Bihar, Patna
4. The District Magistrate Vaishali
5. The District Education Officer Vaishali
6. The District Superintendent Of Education Vaishali
7. The Block Development Officer Hajipur Block, Distt.- Vaishali
8. The Block Education Extension Officer Hajipur Block, Distt.- Vaishali
9. The Panchayat Secretary Gram Panchayat Ismailpur, Block- Hajipur, Distt.- Vaishali
10. The Mukhia Gram Panchayat Ismailpur, Block- Hajipur, Distt.- Vaishali

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 31-08-2018

This writ petition has been filed by the petitioner for a direction to the respondents to pay arrears of salary from April, 2008 onwards and not to disturb him to discharge the duty on the post of Panchyat teacher in the school.

The petitioner was appointed on the strength of degree of Madhyama (Visharad) from Hindi Sahitya Sammellan, Allahabad.

On behalf of the respondents stand has been taken that degree of Madhyama (Visharad) is not a valid degree for



appointment. Reliance has been placed on Bihar Education Code as contained in Annexures-A and B and the decision of the Division Bench in LPA No. 654 of 2009, Annexure-C.

From perusal of the aforesaid annexures, it appears that such qualification is not recognized qualification and as such, no positive direction can be issued in this regard.

However, if the petitioner was appointed without any fraud and misrepresentation and the respondents have allowed the petitioner to work, the petitioner is entitled to payment of salary, for the period he has worked.

Accordingly, the writ petition is disposed of with a direction to the respondents to examine the record and on verification, if it is found that the petitioner has actually worked, payment should be made to the petitioner for the period he has worked without practicing any fraud or misrepresentation in the matter of obtaining appointment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	

