

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11706 of 2015

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Sudhanshu Kumar S/o Sri Byash Tiwari, resident of village- Sabeya, P.O.-
Gaura, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Primary Education Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Gopalganj
4. The District Programme Officer, Gopalganj
5. The Block Education Extension Officer, Panchdeory Prakhand, District- Gopalganj
6. The Block Development Officer, Panchdeory Prakhand, District- Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Rai
For the Respondent/s : Mr.Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-12-2018 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

Learned counsel for the petitioner has made a very limited submission for consideration of this Court that the petitioner was appointed as a teacher on the basis of Intermediate qualification. He submits that under the Rules, Intermediate qualification is valid qualification for appointment to the post of Prakhand Shikshak in Upgraded Middle School, Khalgoan in Panchdeory Block, District Gopalganj.

Learned counsel for the petitioner further submits that service of the petitioner as Prakhand Shikshak has been



terminated on the basis of qualification of B.Ed. Degree obtained by the petitioner from Sampurnanad Sanskrit University, Varanasi and in that view of the matter his contention is that the order of termination is bad because while terminating the service of the petitioner the authority has considered the fact that the petitioner obtained the appointment on the basis of B. Ed. Degree qualification of Sampurnanad Sanskrit University which is an error of record.

Mr. Anshuman Singh, learned counsel representing the State submits that if the petitioner was appointed on the post of Prakhanda Shikshak on the basis of Intermediate qualification, and his service was terminated on the basis of invalid B.Ed. Degree obtained from the said Sampurnanad Sanskrit University, then the respondent authorities may reconsider the matter.

Considering the aforesaid, the writ petition is allowed. The matter is remitted back to respondent no.4- District Programme Officer (Estt), Gopalganj to examine the record and on verification of the record if it is found that the petitioner was appointed as Prakhanda Shikshak on the basis of his Intermediate qualification, he shall take appropriate corrective measure notwithstanding the order contained in Memo No. 1381 dated



17.06.2015. In the event the petitioner is found to have procured appointment on the basis of B.Ed. Degree there is no need to interfere.

It goes without saying that if the order dated 17.06.2015 is found to be error of record much less the petitioner was not appointed on the basis of B.Ed. Degree petitioner would be entitled to reinstatement with all consequential benefits.

With the aforesaid, this writ petition is allowed.

(Anil Kumar Upadhyay, J)

mrl./-

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