

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10027 of 2013

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Kashi Rani W/O Shri Upendra Paswan Resident Of Village - Saidpur, P.O.
Gokhalenagar Vishnupur, P.S. Balia, District - Begusarai Petitioner/s
Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Government of Bihar, Patna -1
 3. The Director, Primary Education, Government Of Bihar, Patna
 4. The Regional Deputy Director Of Education, Munger
 5. The District Education Officer, Munger
 6. The District Programme Officer (Establishment), Munger
 7. The Block Education Officer, Block Sangrampur, District Munger
 8. The Headmaster, Upgraded Middle School Sarouna, Block Sangrampur, District
- Munger Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 22-06-2018

Heard learned counsel for the petitioner and State.

2. Earlier the petitioner has approached this Court in
C.W.J.C. No. 15417 of 2012 and vide order dated 21.09.2012, the
following order was passed:

“Only yesterday the Court was hearing a similar matter with regard to the respondents declining to accept an Educational Qualification from the Varanase Sanskrit Vidyapeeth. The Court had called for the original records to satisfy itself on the application of mind done by the respondents, keeping in mind that issues for recognition of qualifications and equivalence were primarily the domain of the respondents first. The records revealed that the decision of the respondents was based on hearsay evidence obtained from



Newspaper items and the Internet Information. The Court referred its earlier order in C.W.J.C. No. 13777 of 2012 that information on the Internet may be a good source of knowledge and information for initiating a debate, relying on (2011) 4 SCC 85, but it could not be conclusive material for a decision.

The present is yet another such case. In (1998) DLT 198 (Narbada Kannan Vs. Delhi Administration), a notification of the Ministry of Human Affairs, Government of India dated 17.11.1962 has been noticed recognizing the present qualification as equivalent to Matriculation.

The institution of an F.I.R. against a person is a very serious matter. The Court is not satisfied that the casual manner in which the respondents appeared to be directing institution of a first information report may be justified. It does not appear from the impugned order that the respondents have applied their mind to issues.

The impugned orders are set aside.

Considering the importance of the matter having wider implication not only for the petitioner but others who may be similarly situated and may have been appointed also, the matter is referred to the Principal Secretary, Education Department for passing a fresh reasoned and speaking order after hearing the petitioner also, if so requested.

Liberty is also granted to the petitioner to furnish additional materials if so advised.

Let such fresh decision be taken within a maximum period of three months from the date of receipt and/or production of a copy of this order.”

3. Notwithstanding the rejection of reason by this



Court, the respondents have once again reiterated the same reason for rejecting the claim of the petitioner.

4. Mr. Umesh Kumar Mishra, learned counsel for the petitioner submits that the issued raised in the present writ application is no more res-integra. In fact the Division Bench of this Court in L.P.A. No. 11 of 2014 has discussed the effect of acquiring higher qualification subsequent to obtaining the degree of Sahitya Alankar or other degree from Hindi Vidyapeeth, Deoghar.

5. Considering the fact that the judgment of the Division Bench in L.P.A. No. 11 of 2014 is on the same point is binding on this Court, the present writ application is allowed in the light of the judgment of the L.P.A. Court in L.P.A. No. 11 of 2014 dated 27.01.2016. The order as contained in Annexures- 6 and 13 are, accordingly, quashed.

6. The respondents are directed to restore the status of the petitioner prior to issuance of Annexures- 6 and 13 within a period of three months from the date of receipt/production of a copy of this order with all consequential benefits. It is to be noted that the principle discussed in L.P.A. No. 11 of 2014 is settler on the point that acquiring subsequent qualification or higher qualification from a recognized institution, the defect as to recognition of the degree ceases to exist.



7. With the aforesaid, the writ application stands
allowed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2018
Transmission Date	

