

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1300 of 2018

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Sanjay Kumar Son of Ram Sanehi Singh Resident of Village & P.O.
Sahoor, P.S. Suryagarha, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Education Deartment Govt of Bihar, Patna.
3. The Regional Deputy Director, Munger Division Munger.
4. The District Education Officer cum Chairman of District Primary
Teacher Promotion Committee Lakhisarai, District- Lakhisarai
5. The District Programme Officer(Establishment) Lakhisarai.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. S.C. Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-09-2018 The controversy involved in the present case is as to whether M.A. degree obtained by the petitioner from Vinayaka Mission University, Salem, Tamilnadu is recognized or not.

The learned counsel for the petitioner submits that he has obtained M.A. degree in History and the same is recognized for the purposes of grant of promotion on the post of Headmaster since the petitioner had obtained the said degree in between the period 2007-12.

Per contra, the learned counsel for the respondents has submitted that the said degree is only recognized if a candidate is holding M.A. degree in Tamil and English as far as the session falling in between the year 2007-12 is concerned, however, the



petitioner is not possessing the said degree.

In view of the rival contentions of the parties, this Court under a writ jurisdiction under Article 226 of the Constitution of India cannot go into disputed question of facts, hence it would be appropriate to relegate the petitioner to the jurisdiction of the respondent no. 3 i.e. the Regional Deputy Director, Munger Division, Munger before whom the petitioner shall file a detailed representation within a period of four weeks from today and in case such a representation is filed, the respondent no. 3 shall pass a reasoned and speaking order, after granting an opportunity of hearing to the petitioner herein within a period of eight weeks thereafter without being prejudiced by the decision taken by the District Programme Officer, Lakhisarai.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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