

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9212 of 2018

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Brajesh Kumar Chaturvedi, son of Sri Haridev Chaturvedi, resident of
Village/Mohalla- Kateya, P.O. & P.S.- Kateya, District- Gopalganj (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, New
Secretariat, Patna
3. Director, Primary Education, Government of Bihar, New Secretariat, Patna.
4. Regional Deputy Director of Education, Saran Division, Chapra, District- Saran.
5. The District Education Officer, Gopalganj, District- Gopalganj.
6. The District Programme Officer (Establishment), Gopalganj, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate

For the Respondent/s : Smt. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-05-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. Counsel for the petitioner placing reliance of the
judgment of the Division Bench in L.P.A No. 11 of 2014 dated
27.01.2016 has submitted that the respondents cannot deny the benefit
of obtaining the degree of Sahitya Alankar from Hindi Vidyapeeth,
Deoghar, in view of the fact that the petitioner has obtained higher
degree of M.A. The Division Bench of this Court in L.P.A No. 11 of
2014 has discussed the issue of obtaining higher degree after
obtaining Sahitya Alankar from Hindi Vidyapeeth, Deoghar. The
relevant part of the judgment of the Division Bench reads as follows:-

“Here, there is no dispute that writ
petitioner/appellant has a post graduate degree from



a recognized University. No one can nor has anyone disputed its validity. The writ petitioner/appellant has a doctorate degree from a recognized University of Bihar. Then to say that he cannot be granted graduate trained scale of pay would be a mockery. If we were to hold that his graduation was irrelevant or illegal or not equivalent to graduation, then we would have to hold that his post graduation and doctorate are also invalid. Those degrees have been earned by the writ petitioner/appellant on his own merit. It is no one's case and no one is contending that they are invalid too. If the writ petitioner/appellant had achieved higher qualification in the shape of MA and Ph D from recognized Universities, they cannot be either wished away or ignored. We would only like to add that whatever may be the position earlier, it is not in dispute that at a particular point of time, Sahitya Alankar from Hindi Vidyapeeth, Deoghar was granted equivalence with graduation for the purposes of joining as teacher. It is now only by virtue of the Rules of the year 2011, effectively, the equivalence has been taken away. Preceding these Rules, it was only for the first time on 27.08.2008 that the State Government issued circular by which equivalence/validity has been withdrawn. This itself presupposes that at least up to 2008, the State was recognizing Sahitya Alankar as equivalent to graduation. Any person, who had earned this citation, cannot be denied benefit but of course any person, who got it thereafter, cannot claim equivalence. Thus, on the reasons aforesaid and on the facts aforesaid this appeal has to be allowed. The judgment and order of the learned Single Judge as well as the order of the District Programme Officer



is set aside and the writ petition is allowed with a mandamus for writ petitioner/appellant to be granted graduate trained scale of pay from the due date.”

3. In view of the discussion of the Division Bench in L.P.A. No. 11 of 2014, the case of the petitioner deserves to be allowed, as the petitioner has also obtained the degree of M.A. after obtaining the degree of Sahitya Alankar from Hindi Vidyapeeth, Deoghar. The respondents are hereby directed to consider the case of the petitioner afresh in the light of the decision of the Division Bench in L.P.A No. 11 of 2014 dated 27.01.2016.

4. The respondents are supposed to take care of the seniority of the petitioner in the matter of granting relief in the nature of promotion. While taking decision, the petitioner may be extended the benefit from the date, the juniors to the petitioner have been granted such benefit.

5. In view of the above, the order as contained in Memo No.57 dated 25.01.2017 cannot sustain and it is, accordingly, quashed.

6. The writ application is allowed and disposed of in the manner indicated hereinabove.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2018
Transmission Date	

