

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5767 of 2019

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Vinay Kumar S/o Sri Mahabir Sah Resident of Village- Rupwara, P.O.-
Bishundutpur, P.S.- Karza, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Director Secondary Education (Education Department), Bihar, Patna.
4. The District Magistrate Sheohar.
5. The District Education Officer Sheohar.
6. The Executive Officer Zila Parishad, Sheohar.
7. The Principal Chapra Tariyani High School, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma, Advocate
For the Respondent/s : Mr.Subash Chandra Mishra (Sc 16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 13-08-2019 The issue of legality and validity of Sahitya Alankar degree obtained from Deoghar Vidya Peeth is subject matter of this writ application. On numerous occasions different Division Benches have examined this issue and decided the same.

In the case of Ganesh Pd. Srivastava Vs. Punjab National Bank, reported in 2004 (1) PLJR 387, the Division Bench considering the entire scheme of establishment of the Deoghar Vidya Peeth held out that the degree is only for academic purpose and not for appointment.

A single Judge has the occasion to discuss the issue of



validity of degree of Sahitya Alankar in detail. The judgment is reported in 2012(3) PLJ 353. The decision of learned Single Judge was approved by the Division Bench. The Division Bench relied upon the earlier Division Bench decision dated 27.11.2012 in CWJC No. 13886 of 2012 which was rendered on consideration of Bihar Education Code. Similar view was expressed by LPA Court in LPA No. 273 of 2015.

Rule 4 of the Bihar Panchayat Shikshak Niyojan Niyamavali specifically states that degree should be from recognized University. Undisputedly Deoghar Vidya Peeth is not a recognized University. Law as to authority to establish University is settled by the Apex Court in the case of **Prof. Yash Pal & Anr. Vs. State of Chhattisgarh & Ors, Writ Petition (Civil) 19 of 2004** vide judgment dated 11.02.2005. There are certain decision of equal authority in favour of validity of degree of Sahitya Alankar.

Considering the conflict the matter was referred to the Full Bench in Ramashankar Patel case. The judgment of Full Bench is reserved on 7th August, 2019.

Notwithstanding the aforesaid the General Administration Department issued notification dated 8.4.2016 with regard to validity of degree of Sahitya Alankar contrary to



decision of the Human Resources Department dated 27.8.2008 vide memo no. 346 which declares Sahitya Alankar degree from Deoghar Vidya Peeth as not recognized which has created anomalous situation.

The Division Bench of this Court has recently decided the issue with reference to notification of the General Administrative Department vide judgment dated 18.07.2019 in CWJC No. 5129 of 2009 and analogous cases (Sanjay Kumar & Ors. Vs. The State of Bihar & Ors.).

In view of the aforesaid Division Bench judgment in the case of Sankay Kumar, the present writ application is allowed and disposed of. The respondents are directed to recognize the degree of Sahitya Alankar from the Deoghar Vidya Peeth as valid degree.

(Anil Kumar Upadhyay, J)

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