

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3718 of 2017

1. Kashmira Devi Wife of Sri Madan Lal, resident of village - Sukahi, P.O. Khundiyam, P.S. Shivsagar, Distt. Rohtas
2. Sunita Devi, Wife of Anil Kumar Singh, resident of vill. - Maiura, P.O. Derwan, P.S. Kudra, Distt. - Kaimur, Bhabhua
3. Sanju Kumari, Son of Narsingh Bhagat, resident of vill. - Raipur Chor, P.S. Shivsager, District - Rohtas
4. Upendra Kumar Gupta, Son of Sri Ganga Sah, resident of vill. - Narayanpur, P.O. and P.S. Chinari, Distt. - Rohtas
5. Md. Mukhtar Ansari, Son of Nizamudin Ansari, resident of vill. - Bharandua, P.S. Chinari, Distt. - Rohtas
6. Sunil Kumar Gupta, Son of Manik Chand Gupta, resident of vill. and P.O. Chinari, Distt. Rohtas
7. Jaiprakash Sharma, Son of Yamuna Prasad Sharma, resident of vill. - Bharandua, P.O. and P.S. Chinari, Distt. - Rohtas
8. Tunna Kumar, Son of Keshri Ram, resident of vill. - Nayakpur, P.O. Ughani, P.S. Chinari, Distt. - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The District Magistrate, Rohtas at Sasaram
4. The District Education officer, Rohtas at Sasaram
5. The District Panchayat Raj Officer, Rohtas at Sasaram
6. The District Programme officer, Rohtas at Sasaram

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Aditya Prakash Sahay, Advocate
For the Respondent/s	:	Smt.Binita Singh-SC-28
		Mr. Apurv Harsh, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

11 19-09-2019

Heard learned counsel for the petitioners and the
State.

The grievance of the petitioners in the present writ



petition is non-payment of salary notwithstanding the order of the District Teachers Employment Appellate Authority in favour of the petitioners.

Learned counsel for the petitioners has drawn the attention of this Court to Annexure-7, the order passed by the District Teachers Employment Appellate Authority. He submits that the order of the Tribunal has attained finality and as such the petitioners are entitled to all the benefits in terms of the order passed by the Appellate Authority.

The petitioners were appointed on the basis of certificate of Nav Bharat Shiksha Parishad, Raurkela, Orissa and the tribunal has recorded that the degree obtained from the aforesaid institution is valid one and on that very basis the petitioners claim that they are entitled to the benefit of the order passed by the District Teachers Employment Appellate Authority.

Mr. Aditya Prakash Sahay, learned counsel for the petitioner would submit that the aforesaid institution was included in the category of not recognized only recently and the petitioners were not aware of the status of the institution at the time of their appointment as Block Teacher.

The only issue involved in the present case is whether



the degree obtained from Nav Bharat Shiksha Parishad, Raurkela, Orissa is recognized as valid degree for appointment or not. If any one appointed with the same degree is taken as valid degree by the State or its instrumentality, then the petitioners is justified in making submission that they deserve payment of salary in terms of direction of the District Teachers Employment Appellate Authority.

Considering the facts and circumstances discussed above, the writ petition is disposed of with a direction to the District Programme Officer to verify the record to ascertain as to the validity of the degree obtained from Nav Bharat Shiksha Parishad, Raurkela, Orissa and if it is found that it is valid degree at the time of appointment of the petitioner, he is required to implement the direction of the order passed by the District Teachers Employment Appellate Authority, otherwise he has to obtain appropriate order from the competent forum/Court against the decision of the Tribunal as contained in Annexure-7 within two months failing which they are required to implement the direction of the Tribunal in its letter and spirit.

At this stage learned counsel for the petitioners submits that the petitioners have also obtained degree from Kurushetra University in the year 2016. The petitioner, if so



advised, may agitate the issue of obtaining degree from Kurushetra University which is valid one for consideration of their cases by the respondents in the matter of benefit arising out of the order passed by the District Teachers Employment Appellate Authority. This shall be considered sympathetically.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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