

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6159 of 2016

=====

Himanshu Kumar Son of Awadhesh Sharma, Resident of Village- Bela, Police Station- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Superintendent of Education, Patna.
5. The District Programme Officer Establishment, Patna.
6. The Block Development Officer, cum Secretary, Block Teachers Employment Committee, Naubatpur, Distr
7. The Central Board of Higher Education, New Delhi- 110059.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Advocate Mr. Abhishek Shankar, Advocate Mr. Sourav Suman, Advocate Mr. Ravi Prakash, Advocate
For the Respondent/s	:	Mr. Manish Dhari Singh, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 06-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by the order dated 27.11.2012, as contained in Annexure-2 and the follow up order dated 14.12.2015, as contained in Annexure-1, whereby the respondents have dispensed with the services of the petitioner on the ground that the certificate obtained by the petitioner from the Central Board of Higher Education is not appropriate.

Learned counsel appearing on behalf of the petitioner has placed reliance on a Division Bench order dated 02.07.1992



passed by this Court in the case of Renuka Devi Vs. The State of Bihar and others, as contained in Annexure-8 to the writ petition, whereby the Division Bench of this Court has noticed that the examination conducted by the Central Board of Higher Education, recognized by the State of Bihar, is equivalent to matric examination from the year 1975. This decision was not considered by the respondents while taking decisions as contained in Annexures 2 and 1.

Considering the decision of the Division Bench dated 2.7.1992, this Court is left with no option to quash the order dated 27.11.2012, as contained in Annexure-2 and the follow up order dated 14.12.2015, as contained in Annexure-1. They are, accordingly, quashed.

The respondents are directed to reinstate the petitioner with all consequential benefits. However, liberty shall be available to the respondents to take fresh appropriate decision in the light of the Division Bench order dated 2.7.1992.

The writ petition is, accordingly, allowed and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

