

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10289 of 2017

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Vaidya Nath Thakur S/o Late Baldeo Thakur Resident of Village P.O.-Patsara,
P.S.-Piar, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, District-Muzaffarpur.
5. The Block Education Extension Officer, District-Muzaffarpur.
6. The Accountant General Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Madhu Prasun, Advocate
For the Respondent/s	:	Mr.Madhaw Pd. Yadav-GP-23
For the AG	:	Mr. D.Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-07-2019 Writ petition has been filed for grant of certain relief/reliefs which is as follows:-

(i) For issuance of appropriate Writ/Writs, Order/Orders, Direction/Directions commanding the Respondents to revise and enhance the pension of the Petitioner w.e.f. 1986 giving him educational benefits of graduation as in the year 1985 he has passed 'Sahitya Bhushan Pariksha' from Hindi Vidyapeeth, Deoghar, which is equivalent to graduation and in the year 1989 he has passed the 'Sahityalankar Pariksha' but inspite of that his pay has not been fixed since then giving



him educational benefits in a very illegal manner.

(ii) For issuance of appropriate Writ/Writs, Order/Orders, Direction/Directions commanding the Respondents to pay the Petitioner the arrears of salary and retirement dues with consequential benefits w.e.f. 1986 giving him educational benefits of graduation as he has passed as in the year 1985 he has passed 'Sahitya Bhushan Pariksha' from Hindi Vidyapeeth, Deoghar, which is equivalent to graduation and in the year 1989 he has passed the 'Sahityalankar Pariksha' but inspite of that his pay has not been fixed since then giving him educational benefits in a very illegal manner."

A counter affidavit has been filed on behalf of the respondent no.4 wherein it is stated that the degree and certificate granted by Hindi Vidyapeeth, Deoghar is not valid and recognized by the State Government for the appointment and promotion on the post of general teachers in elementary schools under the provision as contained in the departmental order issued by the Principal Secretary of the Human Resources Development Department, Govt. of Bihar, Patna bearing Memo No.3152, dated 25.08.2008 and the petitioner is not entitled for financial benefits on the ground of aforesaid degrees which is also not equivalent to graduation and post-graduation.



In view of the aforesaid facts and circumstances, this Court is of the opinion that the claim of the petitioner of financial benefits on the basis of educational degrees issued by the Hindi Vidyapeeth, Deoghar is not sustainable and, as such, this writ petition is devoid of merit and is dismissed.

(Prabhat Kumar Singh, J)

B.Kr./-

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