

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4490 of 2017

=====

Rajeshwar Ray S/o- Sri Harinandan Ray, R/o Village- Rukmanjari, P.O.-
Rusulpur Korigawan, P.S.-Goraul, District-Vaishali. Petitioner/s
Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Presiding Officer, District, Teacher's Employment Appellate Authority,
Patna, District-Patna.
5. The District Education Officer, Patna, District Patna.
6. The District Programme Officer, Establishment, Patna District-Patna.
7. The Employment Unit, Patna Nagar Nigam Secondary Teacher/ Seior
Secondary Teacher Employment Unit-
8. The Secretary, Patna Nagar Nagam Secondary Teacher Employment Unit-
Cum-Commissioner, Patna Nagar Nigam
9. The Mayor, Patna Nagar Nigam, District-Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.P.K. Shahi, Sr. Advocate
For the Respondent/s	:	Mr.Amit Bhushan-Gp17
For PMC	:	Mr. Yashraj Bhardhan

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 08-07-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the Patna Municipal

Corporation.

Mr. P.K. Shahi, learned senior counsel appearing on
behalf of the petitioner would submit that the order contained in
Annexure-11 is lawless order inasmuch as cancellation of
recognition the degree of B.Ed. does not come within the
ambit of forged document and action of respondents in
dismissing the service of the petitioner and directing recovery is



unsustainable.

So far as the order of termination is concerned, in view of the admitted position that the degree of B.Ed is not a valid degree, the Court is not inclined to interfere with that part of the order, Annexure-11. However, the petitioner has worked as teacher and therefore, direction to the extent of recovery under Public Demand Recovery Act is unsustainable as petitioner has received salary for performing the duties.

Considering the statement made in para-26 of the writ application, the Court is inclined to accept bona fide of the petitioner and as such the writ petition is partly allowed. So far as that part of the order dismissing the service of the petitioner is concerned it is upheld. The part of Annexure-11 directing recovery under the Public Demand Recovery Act is concerned, the same is unsustainable as petitioner has received payment for performing the duty as teacher it is accordingly quashed.

The writ petition is partly allowed and disposed of to the extent indicated above.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

