

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16529 of 2010

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Ranju Devi, Wife of Sujindra Kumar, R/O Vill & P.O.-Kanchanpur, P.S.-
Bihta, Distt-Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Director, Panchayati Raj Department Bihar, Patna
3. The District Magistrate, Patna
4. The Block Development Officer Bihta, Patna
5. The Block Panchayati Raj Officer Bihta, Patna
6. The Sarpanch, Gram Panchayat Kanchanpur (Khadagpur), Bihta, Patna
7. Nibha Devi, wife of Shiv Kumar Mahto R/O Vill & P.O.Kanchanpur,
P.S.Bihta, Distt-Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ujjwal Kumar, Advocate Mr. Ashok Kumar Verma, Advocate
For the State	:	Mr. Rajiv Roy, G.P.-1 Mr. Suresh Kumar, A.C. to G.P.-1
For Private respondent	:	Mr. Nawal Kishore Singh, Advocate Mr. Sanjeev Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 07-01-2019

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the private
respondent.

2. In this case, the petitioner is challenging the order
vide memo no.2272 dated 27.08.2010 issued by the Block



Development Officer, Bihta, whereby and whereunder the appointment of the petitioner to the post of Sachiv, Gram Kachahari, has been annulled and the private respondent no.7 has been appointed on that post.

3. An advertisement was published for appointment on the post of Sachiv, Gram Kachahari under Gram Kachahari-Kanchanpur (Khadakpur), Bihta. The petitioner and private respondent no.7 have applied for the same. The petitioner was recruited and appointed, but after fortnight the services of the petitioner has been dispensed with, but the Government again reinstated the petitioner on the said post, but the authority after giving him notice again dispensed with the services of the petitioner.

4. Learned counsel for the petitioner submits that at the time of appointment the petitioner was holding the qualification of 'Madhayama', which is equivalent to matriculation, so at the time of entry in the service, the petitioner was possessing the requisite qualification, but has wrongly been terminated from the service.

5. Whereas, learned counsel for the State and the private respondent submit that at the relevant time there was no



provision of equivalence, but only the qualification has been prescribed that the person must possess the qualification of 'Madhyamic (Matric)', so the person who is not a matriculate may be equivalent to matriculation, but will not give a right to be appointed or to be reinstated on the post of Sachiv, Gram Kachahari, in support of the contentions, they have placed reliance on the order of this Court passed in C.W.J.C. No.15259 of 2007 and also the order passed in C.W.J.C. No.16901 of 2008.

6. Admittedly, when the Rule has been framed in the year 2007 categorically the qualification has been made matriculate and there is no word has been used regarding equivalent of the matriculation. Later on, by an executive instruction, it has been clarified that matriculation or its equivalence. Admittedly, on the date of the appointment, the petitioner was not a matriculate rather he was having the qualification of "Madhyama" but only matriculation qualification was prescribed qualification, so the qualification which the petitioner has possessed cannot be a basis for her selection, inasmuch as, after seeking explanation from the petitioner her services has been dispensed with.

7. In such view of the matter, this Court does not find



any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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