

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10326 of 2018

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Amarnath, son of Shri Ram Prakash, permanent resident of Village- Dumri, Kharwania, Deoria- 274508 at present residing at Village- Bhartolia, P.S. Andar, Siwan- 841231.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Siwan.
5. The District Programme Officer Establishment, Siwan.
6. The Block Education Officer, Andar, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.S. Thakur Mr. Arvind Kumar
For the Respondent/s	:	Mr. Arvind Kumar, AC to GP23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and State.

The petitioner is aggrieved by non-payment of salary.

Learned counsel for the petitioner submits that the issue as to validity of the certificate issued by the Board of Higher Secondary Education, Delhi. He further submits that the certificate from Board of Higher Secondary Education, Delhi is recognized one and the same issue has been decided on 03.09.2013 by this Court in L.P.A. No. 769 of 2012.

On behalf of the respondents, a counter affidavit has been filed in which a dispute has been raised and the claim of



the petitioner for payment of salary has been denied referring to the judgment of the Full Bench of this Court in the case of Rita Mishra & Ors. Vs. Director, Primary Education, Bihar & Ors., reported in 1987 PUR-1090 and the judgment of the Apex Court in the case of R.Vishwanath Pillai Vs. State of Kerala & Ors, reported in (2004) 2 SCC 105.

The issue raised in the present writ application is denial of salary by the respondents on the basis of dispute as to validity of certificate on the contrary the petitioner's claim is based on the basis of Division Bench judgment of this Court passed in L.P.A. No. 769 of 2012, which draw distinction between the Board of Higher Secondary Education, Delhi and Secondary Board of Higher Education, New Delhi. The Court held out that the degree of Board of Higher Secondary Education, Delhi is recognized and the degree of Secondary Board of Higher Education, New Delhi is not recognized.

Considering the aforesaid, the respondents are directed to examine the certificate of the petitioner in the light of the judgment of the Division Bench passed in L.P.A. No. 769 of 2012 and on verification if it is found that the degree of the petitioner is from Board of Higher Secondary Education, Delhi and not from the Secondary Board of Higher Education in that



situation, the respondents shall ensure payment of salary to the petitioner treated that the certificate of the petitioner is genuine.

Necessary decision in this regard must be taken by the respondents within a maximum period of three months from the date of receipt/production of a copy of this order with all consequential benefits.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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