

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7981 of 2021

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Garima Mishra, female, aged 38 years, daughter of Chandra Kishore Mishra,
Resident of Village + Post Office- Mahinathnagar, Police Station- Beldaur,
District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of
Bihar, Patna.
3. The District Magistrate Khagaria.
4. The District Education Officer Khagaria.
5. The District Programme Officer Khagaria.
6. The Block Development Officer-cum- Member Secretary, Block Teachers
Appointment Authority, Block- Beldaur, Khagaria.
7. The Headmaster Middle School, Murasi, Block- Beldaur, Khagaria.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Parijat Saurav, Advocate
For the Respondents : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-03-2021 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The issue raised in the present writ application is no
more res integra and similar issue was decided by this Court
vide order dated 31.07.2019 passed in CWJC No. 15423 of
2019 (*Mamta Kumari Vs. The State of Bihar & others*).

In order to maintain consistency, the present writ
application is disposed of in the light of the order dated
31.07.2019 passed in CWJC No. 15423 of 2019 (*Mamta*



Kumari Vs. The State of Bihar & others). For ready reference, the aforesaid order is quoted hereinbelow:-

“Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Earlier appointment of the petitioner was cancelled by the respondents on the ground that the training obtained by the petitioner from Jammu and Kashmir is not appropriate.

The matter was taken to the Apex Court and the Apex Court has decided in favour of the degree obtained from Jammu and Kashmir.

Learned counsel appearing on behalf of the petitioner would submit that petitioner submits that Annexure-6 is the decision of apex court which is clinching in this case.

Considering the decision of the Apex Court contained in Annexure-6, the order contained in Annexure-9 cannot sustain. It is accordingly, quashed.

The respondents are hereby directed to take appropriate decision with regard to reinstatement of the petitioner and grant all consequential benefits treating the training of the petitioner from Jammu and Kashmir legal and valid.

Necessary decision in this regard may be taken by the respondents at the earliest, preferably within a 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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