

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3049 of 2018

Manjula Kumari W/o Radhe Shyam Roy, R/o Village- Madhepura, P.O.- P.D. Nathwan, Pandaul, P.S.- Pandaul, District- Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar
2. Principal Secretary Education Department, Govt. of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. Regional Deputy Director, Education, Darbhanga Division, Darbhanga.
5. District Education Officer, Madhubani.
6. District Programme Officer Establishment, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Respondent/s : Mr. Prabhakar Jha -Gp27

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 12-07-2022

1. Heard the parties.

2. The brief facts as stated are that the petitioner passed Matriculation examination from Bihar Board in the year 1980 and after having undergone primary teachers training, she passed Upshashtri (+) Examination and thereafter passed Shastri Examination in the year 1998 from Kameshwar Singh Darbhanga Sanskrit University, Darbhanga and thereafter she has also passed M.A. in Sociology in 2013 with first division from Distance Education, L.N. Mithila University. She was



appointed as a teacher in the pay scale of Matric (trained) on 29.03.1988 and joined on 05.04.1988, was promoted from Matric Trained Scale to Graduation Trained Scale vide order dated 28.06.2012. However, the same was not given effect for want of required roster. Promotion exercise was again undertaken in the provisional list published on 04.01.2017 placing the petitioner at serial no.37 in the said list. However, after scrutiny, her name was removed from the said list on 10.06.2017 and in view thereof, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that her name was removed solely on the ground that she has done her degree as Shastri and not Bachelors degree. Learned counsel submits that the qualification of Shastri has been held equivalent for all purposes to Bachelors degree of graduation. The petitioner was further allowed to pursue Post Graduation in Sociology based on her Shastri qualification and the respondents could not have removed/deleted her name from the list of promotees.

4. Per contra, learned counsel appearing for the respondents have filed their counter affidavit and it is stated that as per the provisions of Bihar Rajkiyakrit Shikshak Pronnati



Niyamawali, 2011, the degree of Shastri has been treated as equivalent to graduation only for those teachers who are appointed against the post of Sanskrit teacher and in respect of those teachers who are appointed as general teacher in Matric, Intermediate trained scale, the degree of Shastri has not been treated to be equivalent to the graduation and as the petitioner was appointed as general teacher and not as a Sanskrit teacher, she was not found fit for promotion in trained graduation scale. The copy of the regulations of 2011 has been placed on record in support.

5. I have considered the submissions.

6. A look at the Regulations of 2011, reflects that the same are applicable for all the teachers who have been appointed at the level of Matric level, Inter level, Graduation level and headmasters of the secondary school. The qualification for promotion has been laid down and those who have done their graduation, would be promoted from Matric, Inter teachers/Graduation teachers. There is no mention in the rules relating to Sanskrit teachers in Bihar. Sanskrit teachers are appointed under the separate category and not under the Regulations of 2011.

7. Admittedly, the petitioner was appointed as a



Matric Trained teacher under the regulation of 2011. she would therefore be treated to be governed under the regulations. Post of graduate teacher does not exclude those who have done Shashtri as a Graduate qualification. The decision taken by the respondents therefore is not found to be in accordance with the regulations of 2011. It is also noticed that Shastri has been held to be equivalent to Graduation for all purposes and sufficient to apply for higher qualification also. The contention of the respondents is therefore found to be not satisfactory and held to be perverse and the District Programme Officer has wrongly debarred her from consideration for promotion.

8. Accordingly, the writ petition is allowed. The petitioner's name shall be treated to be included in the list of promotees with those persons who were promoted. She shall be considered for promotion with all actual benefits.

9. The arrears shall be released from the date of other persons were promoted along with the interest at the rate of 9 percent per anum.

10. However, the interest amount paid to the petitioner shall be recoverable from the District Programme Officer, who has wrongfully denied promotion to the petitioner. The exercise shall be completed within a period of three



months. Cost of Rs. 5000/- is imposed payable to the petitioner
which shall also be recoverable from the concerned officer.

(Sanjeev Prakash Sharma, J)

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Item no.15

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