

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14551 of 2022

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1. Archana Kumari D/o Late Rajendra Prasad Singh, Resident of Village-Bhadas Uttari, P.O.-Bhadas, P.S.-Muffasil, District-Khagaria.
 2. Amir Paswan, S/o Late Anandi Paswan, Resident of Village-Parmanandpur, P.O.-Koshi College, District-Khagaria.
 3. Chandan Kumar Paswan, s/o Late Asarfi Paswan, resident of Village and P.O.-Sansarpur, P.S.-Muffasil, District-Khagaria.
 4. Pankaj Kumar, S/o Sri Mahendra Thakur, Resident of Village-Darhias, P.O.-Bhadas, P.S.-Muffasil, District-Khagaria. ... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Education Department, Governemnt of Bihar, Patna.
2. Director, Primary Education, Department, New Secretariat, Patna.
3. District Magistrate, Khagaria.
4. District Education Officer, Khagaria.
5. District Programme Officer (Establishment) Education Department, Khagaria.
6. Block Development Officer, Prakhand-Khagaria, District-Khagaria.
7. Block Education Officer, Block-Khagaria, District-Khagaria.
8. Panchayat Secretary cum Member of Niyojan Ekai, Gram Panchayat Raj Sansarpur, District-Khagaria.
9. Mukhiya cum President of Niyojan Ekai, Gram Panchayat Raj Sansarpur, District-Khagaria.
10. Panchayat Secretary cum Member of Niyojan Ekai, Gram Panchayat Raj Gaura, Shakti, District-Khagaria.
11. Mukhiya cum President of Niyojan Ekai, Gram Panchayat Raj Gaura, Shakti, District-Khagaria.
12. Panchayat Secretary cum Member of Niyojan Ekai, Gram Panchayat Raj Uttari Bahadas, District-Khagaria.
13. Mukhiya cum President of Niyojan Ekai, Gram Panchayat Raj Uttari Bahadas, District-Khagaria.
14. Panchayat Secretary cum Member of Niyojan Ekai, Gram Panchayat Raj Dakshini Bahadas, District-Khagaria.
15. Mukhiya cum President of Niyojan Ekai, Gram Panchayat Raj Dakshini Bahadas, District-Khagaria. ... Respondents

with

Civil Writ Jurisdiction Case No. 14575 of 2022

1. Kumari Sunaina W/o Raju Kumar resident of village- Dalan, Haripur, P.O. Budhwa, P.S. Alouli, District - Khagaria.



2. Nirmala Kumari W/o Rajiv Kumar, D/o Ram Krishna Mahto, resident of village and P.O. Haripur, P.S. Alouli, District - Khagaria.
3. Pratibha Kumari, D/o Munna Prasad Yadav, W/o Pramod Kumar resident of village and P.O. and P.S. Alouli, District - Khagaria.
4. Rekha Kumari, D/o Ganesh Poddar, W/o Aman Kumar Deo, resident of village and P.O. Sanhauli, P.S. Muffasil- Khagaria, District - Khagaria.

... Petitioners

Versus

1. The State of Bihar through, Principal Secretary, Education Department Government of Bihar, Patna.
2. Director, Primary Education, Department New Secretariat, Patna.
3. District Magistrate, Khagaria.
4. District Education Officer, Khagaria.
5. District Programme Officer (Establishment) Education Department, Khagaria.
6. Block Development Officer, Block Allouli, District - Khagaria.
7. Block Education Officer, Block Allouli, District – Khagaria. ... Respondents

with

Civil Writ Jurisdiction Case No. 14587 of 2022

1. Rajesh Kumar Singh @ Rajesh Kumar S/o Sri Kiro Prasad Yadav, resident of Village-Morkahi, P.O.-Hathwan, P.S.-Alauli, District-Khagaria.
2. Seema Kumari, D/o Plash Nandan Singh, resident of Village-Khutia, P.O. and P.S. Mansi, District-Khagaria.
3. Rajeev Kumar, S/o Saudagar Thakur, resident of Village-Dadhias, P.O.-Bhadas, P.S.-Muffasil, District-Khagaria. ... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Director, Primary Education, Department New Secretariat, Patna.
3. District Magistrate, Khagaria.
4. District Education Officer, Khagaria.
5. District Programme Officer (Establishment) Education Department, Khagaria.
6. Block Development Officer, Block Alouli, District-Khagaria.
7. Block Education Officer, Block Alouli, District-Khagaria.
8. The Panchayat Secretary cum Member of Niyojan Ekai, Gram Panchayat Raj, Hathwan, Block Alouli, District-Khagaria.
9. The Mukhiya cum President of Niyojan Ekai, Gram Panchayat Raj, Hathwan, Block Alouli, District-Khagaria.
10. The Panchayat Secretary, Gram Panchayat Raj, Cherakhera, Block-Allouli, District-Khagaria. ... Respondents



with
Civil Writ Jurisdiction Case No. 14610 of 2022

1. Mrs. Meera Kumari D/o Kapil Deo Yadav, W/o Girish Yadav @ Girish Ranjan Yadav Resident of Village- Maheshkhunt Bichi Tola, P.O.- Maheshkhunt Bazar, P.S.- Maheshkhunt, District- Khagaria.
2. Mrs. Indu Kumari, W/o Sri Pramod Chauraisa Resident of Village- Maheshkhunt Bichi Tola, P.O.- Maheshkhunt Bazar, P.S.- Maheshkhunt, District- Khagaria. ... Petitioners

Versus

1. The State of Bihar Through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Director, Primary Education Department, New Secretariat, Patna.
3. District Magistrate, Khagaria.
4. District Education Officer, Khagaria.
5. District Programme Officer (Establishment), Education Department, Khagaria.
6. Block Development Officer, Block- Gogari, District- Khagaria.
7. Block Education Officer, Block Gogari, District- Khagaria.
8. The Panchayat Secretary cum Member of Niyojan Ekai, Gram Panchayat Raj, Maheshkhunt, District- Khagaria.
9. The Mukhiya cum President of Niyojan Ekai, Gram Panchayat Raj, Maheshkhunt, District- Khagaria. ... Respondents

with
Civil Writ Jurisdiction Case No. 14623 of 2022

1. Sunil Kumar S/o Upendra Paswan, resident of Village- Chotirani Sakarpura, P.S.- Gangaur, District- Khagaria.
2. Bidhan Paswan, S/o Late Arjun Paswan, resident of Village- Chaidha, P.S.- Mansi, District- Khagaria.
3. Mukesh Kumar Patel, S/o Lal Bihari Singh, resident of Village- Railway Apurba Colony P.S.- Mansi, District- Khagaria. ... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Director, Primary Education, Department New Secretariat, Patna.
3. District Education Officer, Khagaria.
4. District Programme Officer (Establishment) Education Department, Khagaria.
5. Block Development Officer, Block Mansi, District- Khagaria.



6. Block Education Officer, Block Mansi, District- Khagaria.
7. Panchayat Secretary, Cum Member of Niyojan Ekai, Gram Panchayat Raj, Purbi Thatha, District- Khagaria.
8. The Mukhiya Cum President of Niyojan Ekai Gram Panchayat Raj, Purbi Thana, District- Khagaria. ... Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 14551 of 2022)

For the Petitioner/s : Mr.Anurag Saurav, Adv.

For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

(In Civil Writ Jurisdiction Case No. 14575 of 2022)

For the Petitioner/s : Mr.Anurag Saurav, Adv.

For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc 13)

(In Civil Writ Jurisdiction Case No. 14587 of 2022)

For the Petitioner/s : Mr.Anurag Saurav, Adv.

For the Respondent/s : Mr.Prabhakar Jha (Gp27)

(In Civil Writ Jurisdiction Case No. 14610 of 2022)

For the Petitioner/s : Mr.Anurag Saurav, Adv.

For the Respondent/s : Mr.Madan Jeet Kumar (Gp 20)

(In Civil Writ Jurisdiction Case No. 14623 of 2022)

For the Petitioner/s : Mr.Anurag Saurav, Adv.

For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 10-11-2022

Heard the parties.

2. All the cases are heard together and are being disposed of by this common judgment.

3. The petitioners assail the order passed by the State Appellate Authority, dated 18.08.2022. Learned counsel for the petitioners submits that the petitioners have obtained qualification from Madhayamik Shiksha Parishad, Delhi, which has verified that they had passed from the said institution. Learned counsel further submits that the District Appellate Authority had held that



the petitioners to be duly qualified and directed the petitioners to continue on the post of teachers.

Learned counsel submits that the order was challenged after two years before the State Appellate Authority by the State and the State Appellate Authority has erroneously set aside the order of the District Appellate Authority and held the petitioners ineligible to continue on the post of teachers and the order of cancellation of their appointment was upheld wrongfully.

Learned counsel submits that the State Appellate Authority has failed to take notice of the order of the District Education Officer, Khagaria whereby he has started in the year 2008 only about derecognition of the said Madhayamik Shiksha Parishad, Delhi, all the petitioners had passed the course prior to 2008 and, therefore entitled to be treated as having passed from a recognized institution. Learned counsel further submits that the principles of natural justice have been violated as no opportunity of hearing was provided to the petitioners before passing of the impugned order of cancellation of their appointment which was made on the basis of simply lodging a first information report against the petitioners.

4. I have carefully considered the submissions and perused the order passed by the State Appellate Authority.



5. From the perusal of the record it is apparent that there is no order issued by the Government of Bihar recognizing the Madhayamik Shiksha Parishad, Delhi, as an institution for the purpose of appointment of teachers. In fact, this Court in C.W.J.C. No. 7313 of 2012 has held the degrees awarded by the Madhayamik Shiksha Parishad, Delhi, to be not recognized by the State. The said aspect has been noticed by the State Appellate Authority.

6. It is also to be noticed that the order passed by the High Court was upheld in LPA No. 1008 of 2012 and a review petition was also dismissed. Thus for all intents and purposes the question of qualification acquired from Madhayamik Shiksha Parishad, Delhi, to be unrecognized stands crystallized in view of the judgment as noticed above and noted by the State Appellate Authority. The attempt of the petitioners to claim recognition on the ground that the District Education Officer, Khagaria, issued derecognition order only on 22.12.2008 and thereby a presumption to be drawn that the degree awarded prior to 2008 would be treated as recognized is misconceived.

7. Question of recognition and derecognition are two different aspects. A qualification is required to be recognized for the purpose of appointment by the Government for employment in



their fold. The same may be derecognized by taking decision based on the report received relating to such institute's performance. However, merely on the basis of facts stated by the District Education Officer about the qualification being not recognized can not mean the same to be a derecognizing order. In other words, a presumption can not be drawn that prior to it the qualification was recognized. The petitioners have not been able to place any document to show that the degrees awarded by Madhayamik Shiksha Parishad, Delhi, were ever recognized by the Government for employment.

8. From the perusal of the order it is also revealed that the State-authorities had made a query to the Education Department, Delhi, with regard to the veracity of the qualification/degrees awarded by Madhayamik Shiksha Parishad, Delhi. A reply has been received from the Education Department, Delhi, that the Delhi Directorate of Education has not recognized any such Education Board. It is also noticed that the marks-sheet produced by the petitioners of Madhayamik Shiksha Parishad, Delhi, show that it is printed on the back side of the marks-sheet about the institute being a legal autonomous institution registered under the Bhartiya Adhiniyam 1908 with Registration No. 40687, thus, it is a registered institution having no connection with the



State Government nor it is established by the State Government degrees awarded by such institution will have to be treated as fake and can not be considered for the purposes of employment.

9. Teachers who are required to bring-up the next generation and educate them, have to be those who have been trained from recognized institution. Such teachers claim based on fake degrees, can not have any place in the present society for the purpose of providing education. They have played fraud in obtaining appointment and therefore they would have no right to claim for continuance nor can they be said to be having any vested right on the post. Since they do not have any vested right on the post, no opportunity of hearing is required and principles of natural justice would not have any application while dispensing with the services of such persons.

10. Even otherwise, Rule 11 of 2006 Rules and Rule 14 of 2012 Rules as quoted in the order specify that after appointment if any certificate is found to be invalid, the appointment would be cancelled and necessary legal action would follow.

11. Keeping in view thereto, since there is specific omission of principles of natural justice in the Rule itself, claim of the learned counsel for granting an opportunity of hearing, would have to be ignored. In view thereof, no interference is warranted



in the order passed by the State-authority. The writ petition is devoid of merits and is accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	21.11.2022
Transmission Date	NA

