

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18497 of 2018

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1. Suresh Prasad Sah and Ors Son of late Motilal Sah Resident of Village P.O.- Amari Kukroun, P.S. Dhamdaha, District- Purnea.
 2. Dilip Kumar Son of late Babujan Sah Resident of Village P.O.- Amari Kukroun, P.S. Dhamdaha, District- Purnea.
 3. Prabha Shankar Yadav Son of late Chitnarayan Yadav Resident of Village- Dibra, P.O. Dibra Bazar, P.S. Barhara Kothi, District- Purnea.
 4. Ashok Kumar Yadav Son of late Dwarika Prasad Yadav Resident of Village- Rustampur, P.O. Lokahi, P.S. Barhara Kothi, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Director, Research and Training, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Purnea.
5. District Education officer, Purnea.
6. The District Programme Officer Establishment, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Pranav Kumar, Adv. Ms. Shrishti Singh, Adv.
For the Respondent/s	:	Mr. Kumar Kamalnayan, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

6 20-02-2023 1. Both the learned counsels are ad idem with the issue raised by the petitioner in the present case stands finally adjudicated by this Court in **C.W.J.C. 21397/2018 (Nirmal Kumar & Ors. vs. The State of Bihar & Ors.)** decided on **21.02.2022**, wherein this Court examined the qualification acquired from Chota Nagpur Primary Teachers Training



College and found that the qualification required between 1975-1986 had not been de-recognised and it was held as under:

“Thus, the cancellation is w.e.f. 30th September, 1986. It would, therefore, not affect the candidates, who have already acquired the qualification between 1975-86. The order does not say that all degrees granted earlier should stand de-recognised. This Court further noticed that the order dated 30th September, 1986 stood withdrawn vide order dated 16.09.1988 as the State Government reviewed its stand and recognised the degrees issued by the college for the session 1986-88 also. Thus, this Court is satisfied that the qualifications, which the petitioners acquired stood and continued to remain recognise.

In the circumstances, there was no occasion for the District Programme Officer (Establishment), Purnea to hold otherwise he could not have added words for the order dated 30.09.1986 and terminate the services of the petitioners. The order is thus found to be clearly contrary to law and also on facts. There is no such declaration by the State to de-recognise the qualifications prior to 1986-88 acquired from Chhota Nagpur Prathmik Sikchhak Sichha Mahavidyalaya, Ranchi.

The termination order is found to be illegal also as it has been made retrospective no recovery could have been made.

In view thereof, the order dated 15.05.2018 is found to be erroneous and is accordingly quashed and set aside.



In view of above, the petitioners would be entitled for reinstatement with continuity of service and petitioners would also be entitled for their salary for the entire period and other consequential benefits, if any, vacancy has been made, the same should be restored to the petitioners.

The respondents are directed to make compliance of the order within a period of three months, failing which the petitioners shall be free to initiate contempt proceeding without further notice.

The writ petitions are accordingly allowed.”

2. In the present case, the petitioners challenged the order dated 23.11.2017 whereby, their qualification was held to be invalid by the order dated 26.02.2018 whereby their salary was stopped with effect from January 2018.

3. Having reached to the aforesaid conclusion (*supra*), this writ petition is allowed. The orders impugned as above, stand quashed with all consequential benefits.

4. The salary shall be released along with pension carrying interest at the rate of 12% per annum.

5. The exercise shall be done within a period of three months.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 98

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