

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9823 of 2022

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Saroj Kumar Son of Sri Arjun Prasad Singh, resident of Village - Jhapani, P.S.
- Medani Chauki, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, New Secretariat, Patna.
2. Director, (Primary Education), Education Department, New Secretariat, Patna.
3. District Education Officer, Lakhisarai, District - Lakhisarai.
4. District Programme Officer (Establishment), Education Department, District - Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Adv.
For the Respondent/s : Mr. Jitendra Kr. Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 10-01-2023

1. Heard the parties.

2. Both the learned counsels agreed that the issues involved in the present petition stands finally adjudicated by this court in its Judgment passed on 21.02.2022 in C.W.J.C. No. 21397 of 2018 and connected matters.

3. Learned counsel for the petitioner submits that the petitioner too has been sought to be removed from the service and his appointment has been cancelled vide order dated 04.05.2022, solely on the ground that he has obtained the requisite educational qualification from Chotanagpur Primary Teachers Training College, Ranchi.



4. This Court has noticed that the cancellation of recognition is w.e.f. 30th September, 1986.

5. This Court in C.W.J.C. No. 21397 of 2018 and analogous cases, decided on 21.02.2022 has observed 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 This Court further noticed that the order dated 30th September, 1986 stood withdrawn vide order dated 16.09.1988 as the State Government reviewed its stand and recognised the degrees issued by the college for the session 1986-88 also.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.”

6. Keeping in view above, the petitioner cannot be said to have obtained qualification from de-recognized Institute at the relevant time. In view thereof, the same relief as granted above shall be applicable to the petitioner.

7. The order dated 04.05.2022 is quashed with all consequential benefits.

8. The writ petition stands allowed accordingly.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 10

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