

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16613 of 2022

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Ajay Kumar Mishra Son of Sri Umapati Mishra, Resident of Village- Kuisa
Khurd, P.O. - Mahuawan, P.S. - Panchdeori, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. Block Appointment Committee, Panchdeori, P.O. and P.S. - Panchdeori, District - Gopalganj through Block Development Officer its Member Secretary.
6. The Block Development Officer-cum-Member Secretary, Block Appointment Committee, Panchdeori, P.O. and P.S. - Panchdeori, District - Gopalganj.
7. Block Education Officer, Panchdeori, P.O. and P.S. - Panchdeori, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Adv.
For the Respondent/s : Smt. Binita Singh (Sc28)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 11-01-2023 Heard the parties.

Learned counsel for the petitioner submits that the order passed by the Director dated 21.10.2022 by which all the teachers who have qualified 'Madhyama Visharad' from Hindi Sahitya Sammellan, Prayag Raj, be treated as ineligible for appointment as teachers the said qualification was derecognized with effect from 2008.

Learned counsel submits that the petitioner has passed



the concerned examination in 1993. Learned counsel submits that the State authority has wrongfully held that all the persons who possesses the qualification of 'Madhyama Visharad' from Hindi Sahitya Sammellan, Prayag, are invalid for appointment as teacher.

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

The State Appellate Authority has relied upon the judgment passed by the Division Bench of this Court in LPA No. 28 of 2010 wherein the Division Bench has held that the Hindi Sahitya Sammellan, Prayag, qualifications were never equivalent to Intermediate of the State of Bihar and the appointments made shall have to be treated as void ab initio. It is also noticed that before the Division Bench, the concerned writ petitioner could not produce any document to show that at any given point of time, the qualification of 'Madhyama Visharad' examination was recognized as an equivalent qualification of Intermediate for the purpose of appointment of teacher in the State of Bihar. The State Appellate Authority has also referred to another decision of this Court where the certificate issued by the Hindi Sahitya Sammellan, Prayag, was found to be invalid for the purpose of appointment.

Keeping in view thereto, the State Appellate Authority has reached to the final conclusion that the appointments made



were illegal and observed as under :

“19 : The respondents have also raised the points that many teachers having said degree are still working on their posts. In this connection order passed by Hon’ble High Court in C.W.J.C. No. 3306 of 2010 is quoted below for their guidance and information :-

Before parting, it is the stand or contention of the learned counsel representing the petitioner that there are many persons with such kind of degrees, who are in employment under the State as Panchayat Teacher. If it is so, then it is unfortunate and such persons are required to be weeded out.

Let a copy of this order be communicated to the Principal Secretary, Department of Education, Government of Bihar, who will evolve methodology for scrutiny of holders of such degrees and whether they deserve to continue on the post o Panchayat Teacher with invalid degrees of such kind.

Keeping in view the observations of the State Appellate Authority which is the highest appellate authority under the Bihar Panchayat Primary School Services (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Conditions) Rules, 2020, for adjudicating dispute relating to teachers, the Director, Elementary Education, has



issued an order directing that all the teachers who possesses the said degree of 'Madhyama Visharad' from Hindi Sahitya Sammellan, Prayag, will be relieved from their duties with further direction that salary already paid to the said teacher shall not be recovered.

In the opinion of this Court, the order passed by the Director, Elementary Education, is in compliance of the order passed by the State Appellate Authority, which is not under challenge before this Court. Even the order passed by the State Appellate Authority is found to be justified which is in furtherance of judgment passed by the Division Bench of this Court.

The blanket order passed by the Director taking into consideration the qualification of 'Madhyama Visharad' can not be said to be unjustified.

Keeping in view thereto, it does not warrant any interference.

The writ petition is misconceived and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 60

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