

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3303 of 2020

1. Raj Kishore Yadav, Son of Late Yamuna Yadav, Resident of Prabhunath Nagar, Police Station- Chapra Muffasil, District- Chapra posted as Office Assistant, Uttar Bihar Gramin Bank, Gowshala Road Branch, Police Station- Mahadewa O.P. District- Siwan.
2. Nagendra Prasad, Son of Late Dinanath Prasad, Resident of Village and Post- Jalalpur, Police Station- Daraunda, District- Siwan posted as Office Assistant, Uttar Bihar Gramin Bank, Pachrukhi Branch, Police Station- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

1. The Uttar Bihar Gramin Bank through its Chairman, Head Office Kalambagh Chowk, Muzaffarpur.
2. The Chairman, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur.
3. The General Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur.
4. The Regional Manager, Regional Office, Uttar Bihar Gramin Bank, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate
		Ms. Parul Priya, Advocate
For the U.B.G. Bank	:	Mr. Prabhakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-12-2024

Heard Mr. Gyan Prakash, learned Advocate for the petitioner and Mr. Prabhakar Jha, learned Advocate for the Uttar Bihar Gramin Bank.

2. The two petitioners, who have been working as an Office Assistant, Uttar Bihar Gramin Bank, invoked the jurisdiction of this Court seeking a direction commanding upon the respondent bank authorities to allow the petitioners to appear in the examination for their promotion on the post of



Officer, Junior Management (scale I) from the post of Office Assistant on account of the fact that they are eligible for appearing in such examination having degree of Sahitya Alankar from Hindi Vidyapeeth, Deogarh, duly equivalent to Graduation. The petitioners also seeks a direction to hold that the petitioners having degree of Sahitya Alankar (Graduation) from Hindi Vidyapeeth, Deogarh are eligible for appearing in departmental examination for promotion to Officer, Junior Management (scale I).

3. The short facts which led to filing of the present writ petition are that while the petitioners were discharging their duty as Office Assistant in the Bank, they have passed the Sahitya Alankar course (Graduation) from Hindi Vidyapeeth, Deogarh as an independent student after getting due permission from the competent authority in the year 1996 and 1999 respectively.

4. In the year 2013, an advertisement has been published by the bank for promotion to the post of Office Assistant, against which the petitioners submitted their application and on being found eligible, they have been called upon in interview and thereafter they have been promoted as Office Assistant on 25.02.2013.

5. Learned Advocate for the petitioners has clarified



the position that the petitioners have secured promotion to the post of Office Assistant through Fast Track Channel on 25.02.2013 after treating the qualification of the petitioners as Graduate from a recognized university, as the petitioners were possessing the degree of Sahitya Alankar (Graduate).

6. The petitioners have been allowed to work on the promotional post in the mean time on 24.10.2019 a further advertisement was issued by the bank for promotion to the post of Officer, Junior Management (Scale-I) Officer alongwith other post. The petitioners being Office Assistant having found themselves eligible for promotion, applied for participating in the examination.

7. While the petitioners were awaiting to receive their admit card, the respondent bank authorities vide its letter dated 09.12.2019 directed them to produce the evidences, showing the validity of the degree of Hindi Vidyapeeth, Deogarh and its recognition by the Government of India. The petitioners in response thereto submitted substantive evidence, the copies of which have been marked as Annexure 3 and 4 series.

8. It is the contention of the learned Advocate for the petitioners that without taking cognizance of the afore-noted documents which have been furnished in support of the validity



of the degree of Sahitya Alankar from Hindi Vidyapeeth, Deogarh, the respondent authorities have deprived the petitioners to appear in the examination, compelling them to approach before this Court.

9. While assailing the impugned action of the respondent authorities, learned Advocate for the petitioners primarily drawn the attention of this Court to the notification issued by the Government of India, dated 18.02.1970, containing the list of the recognized institutes, including the Hindi Vidyapeeth, acknowledging the degree of Sahitya Alankar equivalent to the B.A. (Graduation).

10. Further attention has also been drawn to Annexure 4 series containing the letter issued by the Registrar, Hindi Vidyapeeth, Deogarh, with a clear stipulation and specifying the letter of the State Government to the effect that the degree/certificate issued by the Hindi Vidyapeeth, Deogarh is a valid and recognized degree. On the strength of the aforesaid letters/documents issued by the Government of India as well as the Hindi Vidyapeeth, Deogarh, the learned Advocate for the petitioners vehemently submitted that the non-acceptance of the candidature of the petitioner for promotion to the post of Officer, Junior Management (Scale-I) is wholly illegal and unjustified.



11. The attention of this Court has also been drawn on a decision rendered by the Full Bench of this Court in the case of ***Ramashankar Patel & Ors. vs. The State of Bihar & Ors, (2019) 3 PLJR 1291*** to support their contention. Referring thereto, it is further contended that now the issue with regard to the validity of degree of Sahitya Alankar, by the Hindi Vidyapeeth, Deogarh stood settled and thus, the action of the respondent's bank is also in the teeth of the mandate of the Hon'ble Full Bench of this Court.

12. Mr. Gyan Prakash, learned Advocate for the petitioners lastly contended that by the impugned action of the respondent bank on one hand they are not allowing the petitioners to appear in the examination, on the other hand allowed the other junior persons to appear in the examination and thereby given promotion to them, and thus, has caused serious prejudice to the right and entitlement of the petitioners. The persons junior to the petitioners have been accorded promotion and in the aforesaid premise he urged before this Court that since the person junior to the petitioners have been allowed promotion and, as such, in the interest of justice the seniority of the petitioners should also be restored atleast with effect from the date when the juniors of the petitioners have been granted promotion. To fortify the contention afore-noted,



further reference has been placed on a decision of the learned Division Bench of this Court in the case of ***Sunil Kumar Shrivastava vs. Uttar Bihar Gramin Bank & Ors., LPA No. 397 of 2007***, disposed off on 30.03.2016.

13. On the other hand learned Advocate for the Bank while countering the afore-noted submissions had drawn the attention of this Court to the eligibility for promotion to the post of Officer, Junior Management (Scale I), and contended that the minimum eligibility for promotion to the said post under fast track channel, a person must have the qualification of graduation. Since the certificates possessed by the petitioners are neither a Bachellor degree, nor possessed through the recognized university, the petitioners cannot be allowed to appear in the examination. Moreover, the petitioners failed to produce any valid documents showing the degree possessed by the petitioners are valid and recognized for the purposes of promotion, is the contention of learned Advocate for the Bank.

14. In support of the aforesaid contention, reliance has also been placed on a judgment rendered by the learned co-ordinate Bench of this Court in the case of ***Reeta Srivastava & Ors. Vs. The State Of Bihar & Ors.*** in ***CWJC No. 13343 of 2011***. Further in the case of ***Geeta Kumari & Anr. Vs. The Bihar State Power (Holding) Company Limited & Ors.*** in



CWJC No. 7192 of 2018 disposed off on 16.07.2024 wherein the Court in clear terms held that Sahitya Alankar degree is not equivalent to Graduation and no holder of Sahitya Alankar can claim the benefit of promotion as a matter of right.

15. This Court has given anxious consideration to the submissions advanced on behalf of learned Advocate for the respective parties and also perused the materials available on record, as well as the decisions rendered by the Full Bench as well as the learned co-ordinate Bench of this Court.

16. It would be worth noticing that the issue with regard to the validity of degree awarded by Hindi Vidyapeeth, Deogarh has finally come up for consideration before the Full Bench of this Court in the case of ***Ramashankar Patel & Ors.*** (*supra*). The Full Bench of this Court having taken note of various notifications and the judgment rendered by this Court as well as the judgment rendered by learned co-ordinate Bench of this Court in CWJC No. 13343 of 2011 wherein the reliance has been placed by the respondent in its penultimate paragraph has held as follows:-

46. In terms of the notification of the General Administration Department as contained in Memo No. 541 dated 11th January, 1991 the Sahityaalankar certificate had got equivalence to the graduation at least prior to 25.08.2008, therefore, those writ petitioners who



obtained their Sahityalankar degree from Hindi Vidyapeeth, Deoghar prior to 25.08.2008 would come within the framework of the notification dated 11th January, 1991 and shall be entitled for consideration for promotion to B.A. (Trained) Scale. By virtue of the notification dated 08.04.2016, the promotions granted between 07.05.2012 and 08.04.2016 have been saved. Further by notification dated 17.04.2017 now even the degree obtained prior to 07.05.2012 and the appointment/promotion granted between 07.05.2012 and 08.04.2016 have been saved. In these circumstances the petitioners no. 4, 7 and 15 shall also be entitled for the benefits because in both cases i.e. notification dated 08.04.2016 and notification dated 17.04.2017 the State respondents cannot contend that while the promotions granted to the persons junior to the petitioners in the gradation list between 07.05.2012 and 08.04.2016 shall be saved, the petitioners would not be entitled for the same. This would be discriminatory because once equivalence granted to Sahityaalankar degree obtained from Hindi Vidyapeeth, Deoghar prior to 07.05.2012 is saved it will save the petitioners who have their Sahityaalankar degree obtained prior to 07.05.2012. They would be entitled to maintain their position in the seniority list and in case juniors to them have been granted promotion in terms of B.A. (Trained) Scale, these petitioners shall also be entitled for the same from the date their juniors have received the benefit.

17. It would be worth noticing that for the first time the Government has come out with a notification in the year



2008 by which equivalence/validity of the Sahitya Alankar from Hindi Vidyapeeth, Deogarh have been withdrawn. Prior to the issuance of the aforesaid notification, Sahitya Alankar certificate had got equivalence to the graduation by virtue of the notification of the General Administration Department as contained in memo no. 541 dated 11th January, 1991. Hence the notification of the 2008, in no way invalidate the degree of Sahitya Alankar secured by the petitioners in the year 1996 and 1999 respectively. The learned Full Bench of this Court, in its decision clearly spelled out that those who have obtained degree of Sahitya Alankar prior to notification dated 25.08.2008 would come within the framework of the notification dated 11th January, 1991 and shall be entitled for consideration for promotion to B.A. (Trained) Scale.

18. While parting with the decision learned Full Bench of this Court has also clarified that it would be discriminatory because once equivalence granted to Sahitya Alankar, degree obtained from Hindi Vidyapeeth, Deogarh is saved, it will save the petitioner who have their Sahitya Alankar degree obtained prior to 07.05.2012. The petitioners of the said writ petition could be held entitled to maintain their position in the seniority list and in case juniors to them have been granted promotion, in terms of BA pay scale, these petitioners shall also



be entitled for the same, from the date the juniors have received the benefit.

19. Suffice it to reiterate that in the case in hand the petitioners have passed Sahitya Alankar course (graduation) from Hindi Vidyapeeth, Deogarh way back in the year 1996 and 1999 respectively and thus the cases of the petitioners would certainly come within the framework of the notification dated 11.01.1991, which clearly accorded equivalence of Sahitya Alankar degree to the graduation. It is also worth noticing that on the basis of the degree secured by the petitioners through Hindi Vidyapeeth, Deogarh, the petitioners were initially promoted to the post of Office Assistant, way back in the year 2013. The letter of promotion as contained in Annexure 8, clearly shows that the respondent Bank has considered the petitioners as Graduate on the basis of the degree of Sahitya Alankar.

20. In view of the aforesaid facts and the decision rendered by the learned Full Bench, this Court has no hesitation to hold that the action of the respondent bank is unsustainable in law as well as on facts. This Court deprecates the action of the bank and directed to allow the petitioners to appear in the examination for the promotion to the post of Officer, Junior Management (Scale-I) from the post of Office Assistant by



treating the degree of Sahitya Alankar from Hindi Vidyapeeth, Deogarh equivalent to the degree of Graduation, as has been done in the year 2013.

21. Suffice it to observe that in case the petitioners passed the examination of promotion, their seniority shall be restored with effect from the dates their juniors have been given promotion. So far as possible the next exam must be conducted preferably within a period of four months.

22. The writ petition stands allowed to the extent afore-noted.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2024
Transmission Date	NA

