

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3322 of 2023

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Apsara Sadique Daughter of Kyamuddin Siddqui Resident of Mohalla- Ward
No. 13, Chaube Tola, Majhauri Raj, P.S.- Salempur, District- Deoria, Uttar
Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary-cum-the Principal Secretary, Education
Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Gopalganj.
5. The District Program Officer (Establishment), Gopalganj.
6. The Block Development Officer, Fulwariya, District- Gopalganj.
7. The Block Panchayati Raj Officer, Fulwariya, District- Gopalganj.
8. The Block Education Officer, Fulwariya, District- Gopalganj.
9. The Member Secretary-cum- Panchayat Secretary, Gram Panchayat Raj,
Gidaha, Anchal- Fulwariya, District- Gopalganj.
10. The Chairman of Panchayat Teacher Selection Committee-Cum-Mukhiya,
Gram Panchayat Raj, Gidaha, Anchal- Fulwariya, District- Gopalganj.
11. The Chairperson, State Appellate Authority, Education Department,
Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate
For the Respondent/s : Mr.Subhash Chandra Mishra (SC 16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 08-01-2024

1. Heard learned counsel for the parties concerned.
2. The petitioner, being aggrieved by the order dated
05.12.2022, passed by State Appellate Authority, has preferred
the present writ application seeking quashing of the order dated
05.12.2022, passed in O.A. no. 503 of 2022, whereby and



whereunder the candidature of the petitioner for the post of Panchayat Teacher, Gram Panchayat Raj- Gidaha, Anchal-Fulwariya, District-Gopalganj has been cancelled. Petitioner has further prayed for a direction to the respondent-Authorities to consider the claim of appointment of the petitioner on the post of Panchayat Teacher under Un-reserved (F) category.

3. The petitioner has claimed that she has passed Class-Xth and Class-XIIth examination from Madhyamik Shiksha Parishad, Uttar Pradesh, B.Ed. from Deen Dayal Upadhyaya Gorakhpur University, Gorakhpur and having C.T.E.T. qualification for the appointment of Panchayat Teacher on 14.07.2020. The petitioner appeared in the counseling held on 28.01.2020 and thereafter, final merit list was published, which contained the name of petitioner at serial no. 142.

4. On the basis of complaints made with regard to preparation of merit list and counseling, the District Education Officer, Gopalganj, vide letter no. 808 dated 10.03.2022, cancelled the counseling held on 28.01.2022 and directed for re-counseling on 16.03.2022, in which the petitioner also participated but was not allowed to take part in the counseling. The petitioner represented before the District Education Officer, Gopalganj and the District Programme Officer (Establishment),



Gopalganj on 17.03.2022 and 21.03.2022, respectively and also before the District Magistrate, Gopalganj on 24.03.2022 and in her representation, she has narrated the irregularities committed in the second counseling held on 16.03.2022 and requested for inquiry and verification of C.T.E.T. Certificate, Adhar and E-KYC of candidates, who appeared in the counseling held on 16.03.2022.

5. The District Programme Officer (Establishment), Gopalganj, vide Memo no. 1662 dated 17.05.2022, directed the Block Education Officer, Fulwariya to cancel the counseling of four candidates except Manju Devi and to institute the F.I.R. against the Employments Units for committing forgery. Petitioner, being aggrieved, filed the writ petition bearing C.W.J.C. no. 10167 of 2022 and a co-ordinate Bench of this Court, vide order dated 14.09.2022, disposed the writ application with liberty to the petitioner to prefer an appeal before the District Appellate Authority/ State Appellate Authority. In pursuance thereof, the petitioner filed an appeal before the State Appellate Authority, which has been dismissed on the ground that Intermediate certificate of Madhyamik Shiksha Parishad is not a valid certificate for appointment of Teacher, as has been held in C.W.J.C. no. 7313 of 2012 and



upheld in L.P.A. no. 1008 of 2012 and Civil Review no. 188 of 2013.

6. Learned counsel for the petitioner submits that petitioner appeared in the counseling held on 28.01.2022 but on false complaint of one Amina Khatoon, the petitioner's name was not called out in the counseling, however, the District Education Officer, Gopalganj cancelled the counseling and directed for re-counseling to be held on 16.03.2022, without verifying the genuineness of the complaint and also without verifying the videography of the counseling.

7. He further submits that on fixed date i.e. on 16.03.2022, the petitioner went for counseling but she was not allowed to take part in the counseling. The certificate of one Amina Khatoon was found fake and forged during inquiry and F.I.R. was directed to be instituted against her and others for committing forgery in the counseling held on 16.03.2022. He also submits that petitioner's entire educational certificates are genuine and valid but State Appellate Authority has rejected the candidature of the petitioner on the ground that the Intermediate certificate of the petitioner obtained from Madhyamik Shiksha Parishad, Uttar Pradesh is not valid for appointment in the State of Bihar.



8. Having heard learned counsel for the parties and upon perusal of the impugned order, it appears that the State Appellate Authority has taken note of the fact that petitioner has obtained her Intermediate certificate from Madhyamik Shiksha Parishad, Uttar Pradesh and in C.W.J.C. no. 7313 of 2012, the Hon'ble High Court has held that this is not a valid certificate for appointment of Teachers in the State of Bihar. The Letter Patent Appeal preferred against the said order was also dismissed and Civil Review also got dismissed holding that petitioner failed to establish that Madhyamik Shiksha Parishad, Uttar Pradesh and degrees and certificates awarded by it are recognized by the State of Bihar for appointment of Panchayat Teachers.

9. The Appellate Authority arrived at a conclusion that issue is settled that Intermediate certificate of Madhyamik Shiksha Parishad is not a valid certificate for appointment of Teacher in State of Bihar and in the result, cancelled the candidature of the petitioner.

10. In the entire writ application, the petitioner has not produced any documents for establishing the fact that the Madhyamik Shiksha Parishad, Uttar Pradesh is a recognized institution and there is nothing on record to show that the



institution has been recognized by the State Government by any specific Act for establishing her case that the certificate granted by the Madhyamik Shiksha Parishad, Uttar Pradesh was valid. The petitioner was required to produce Government resolution/ order/ circular in support of recognition of the institution, during the period, she obtained the degree but in the writ application, except the statement of the petitioner that the certificate of the petitioner is genuine, no other documents in support of the recognition of the institution has been brought on record.

11. In the circumstances, this Court does not find any error in the order of the Appellate Authority and accordingly, the present writ application is dismissed.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2024
Transmission Date	NA

