

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9307 of 2019**

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Arvind Kumar Dubey Son of Purusottam Dubey Resident of Village-Bardiha,  
P.O.-Kurur, P.S.-Karakat, District-Rohtas. ... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Programme Officer (Establishment), Rohtas, Sasaram.
5. The Block Development Officer, Karakat, Rohtas.
6. The Block Education Officer, Karakat, Rohtas.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kanhaiya Pandey, Advocate  
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**

**Date : 26-02-2024**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner has approached this court, *inter alia*, for quashing the order bearing letter no.742 dated 01.04.2019 issued by the District Programme Officer (Establishment), Rohtas, as contained in Annexure-9 to this writ application.

3. In the year 2008, the State Government issued an advertisement for appointment to the post of Block Teacher. The petitioner applied and after selection he was appointed as Physical Education Teacher at Middle School, Kure vide letter



dated 12.08.2010. He was performing his duty and there was no complain against him. All of a sudden in the year 2017, the salary of the petitioner was stopped and against which the petitioner filed C.W.J.C. No.13792 of 2017 and vide order dated 15.02.2018 the writ application was allowed.

4. In compliance of the Writ Court's order, the District Education Officer conducted enquiry and being satisfied with the certificate of the petitioner, the payment of salary was ordered. One Dinesh Kumar sent a whatsapp to the DEO and DPO, Rohtas intimating that the petitioner and 12 teachers have got appointment on the basis of degree issued by unrecognized institution. Thereafter, vide letter no.250 dated 19.11.2018, the District Education Officer, Rohtas sent a letter to Block Education Officer, Karakat intimating that on social media name of 15 teachers have been disclosed, who were appointed on the basis of degree from an unrecognized institution, as such he was directed to inform such teachers to produce their original certificate within one week. The petitioner again filed petition before the District Education Officer, Rohtas on 26.12.2018 and produced all the documents. Thereafter, the District Programme Officer, Rohtas by his letter no.742 dated 01.04.2019 communicated to all the Block Development Officer and



informed that the degree from Board of Higher Secondary Education, Delhi is not recognized as per the departmental order and degree of this institution is not recognized for appointment of teacher and directed to cancel the appointment of the petitioner. He also directed to show cause as to why FIR is not instituted against the teachers as well as the selection committee. Later on, the Block Development Officer, Karakat vide his Memo No.280 dated 09.06.2019 cancelled the selection of the petitioner.

5. It is submitted on behalf of the petitioner that earlier in pursuance of order dated 15.02.2018 passed in C.W.J.C. No.13792 of 2017, the respondents themselves had made enquiry and thereafter found the appointment of the petitioner as valid and legal. It is further submitted that the degree from Board of Higher Secondary Education, Delhi was considered in L.P.A. No.769 of 2019 as valid. Various other orders of this Court as well as other High Court have been brought on record by the petitioner in buttress of his submissions.

6. A counter affidavit filed on behalf of respondent nos.4 to 6 is record in which it is, *inter alia*, submitted that the selection of the petitioner on the post of Physical Teacher was



examined in 29.03.2019 in presence of the petitioner and the Block Development Officer, Karakat by the District Programme Officer (Estb.), Rohtas and it was found that selection of the petitioner was done on the basis of the certificate issued by the Board of Higher Secondary Education, Delhi, showing one year training, is not a recognized institute as per the departmental orders.

7. Having gone through the case in its entirety and heard both sides, it is deemed fit, proper and in the interest of justice, to relegate the case of the petitioner before the concerned authority for just and proper decision.

8. Accordingly, I direct the petitioner to file a detailed representation before the District Programme Officer (Establishment), Rohtas, Sasaram along with the documents regarding his educational qualification as also the order passed by this Court and other High Court, which have been annexed in this writ application, in support of his claim, within a period of one month from today. The District Programme Officer (Establishment), Rohtas, Sasaram is directed to consider the case of the petitioner after affording opportunity of personal hearing and pass a reasoned and speaking order in accordance with law within three months from the date of receipt of such



representation.

9. It is made clear that the District Programme Officer (Establishment), Rohtas, Sasaram shall be solely liable for non-compliance of this order within the stipulated period.

10. With the aforesaid observation and direction, this writ application stands disposed of.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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