

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14401 of 2015

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Shashi Bhushan Thakur Son of Balram Thakur Resident of Village / Mohalla -
khajurbari, P.O. - Mehandipur, Block - Kursa Kanta, District - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Pant.
3. The District Education Officer, Araria.
4. The Deputy Development Commissioner-cum-Chief Executive Officer,
District Board, Araria.
5. The Headmaster, Ram Lal High School, Haripur Dak, Forbesganj, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Virendra Kuar, A.C. to G.P. 10
		Mr. K.P. Gupta, G.P. 10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-01-2024 Heard the parties.

2. The petitioner has come before this Court for the issuance of writ in the nature of mandamus and/or any other appropriate writ(s), order(s) or direction (s) for quashing of the office order as contained in memo no. 613 dated 14.07.2015 (Annexure 8 to this writ application) issued under the signature of Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Araria (respondent no. 5), whereby the appointment of the petitioner as Secondary Teacher has been cancelled with effect from the date of his appointment and further for a direction commanding upon the respondents to pay



to the petitioner his salary from March, 2015 till date.

3. The case of the petitioner is that he got his tenth certificate from the Government of Nepal. Subsequently, he completed his Intermediate course from Bihar School Examination Board and thereafter graduated from B.N. Mandal University.

4. His case was taken up by the respondent- Deputy Development Commissioner, Zila Parishad, Araria and vide memo no. 613 dated 14.07.2015 taking into account that the tenth certificate provided by the Government of Nepal is not equivalent to the certificate of the Bihar School Examination Board, his selection was cancelled (Annexure 8 to the writ petition).

5. A counter affidavit on behalf of the District Programme Officer (Establishment), Araria has come after eight years in which he has only parroted the facts which led to the cancellation.

6. There is no counter affidavit on behalf of the respondent nos. 1 and 2 namely, the Principal Secretary, Education Department as also the Director, Secondary Education on this matter.

7. Today, the learned Counsel for the petitioner came



out with a resolution of the General Administration Department, Bihar issued vide memo no. 10540 dated 28.06.2022 as also letter no. 241 dated 08.03.2022 issued by the Education Department, Bihar under the signature of its Deputy Secretary in support of his case that the certificates of Nepal is valid in Bihar (India).

8. Learned Counsel for the petitioner further submits that his selection was made on the basis of Graduation degree which he has taken from B.N. Mandal University and as such, the certificate of tenth does not matter. He insisted that the case is fully covered by the letter no. 241 dated 08.03.2022 issued by the Deputy Secretary, Education Department, Bihar.

9. Learned State Counsel on the other hand, submits that the base of Intermediate and Graduation Certificates is/are Tenth Certificate and it is not the case of the petitioner that he has not procured the tenth certificate from Nepal.

10. The further submission is that the letter no. 241 dated 08.03.2022 issued by the Deputy Secretary, Education Department, Bihar, Patna as also the resolution vide memo no. 10540 dated 28.06.2022 issued by the General Administration Department under the signature of its Deputy Secretary clearly show that it relates to specific +2 onward certificates/degrees



issued by the Tribhuvan University/Kathmandu University (Nepal). He as such submits that the petitioner having failed to show any document in support of his case that the tenth certificate has been found equivalent to Tenth Certificate of Bihar, the writ petition is fit to be dismissed.

11. This Court has gone through the facts of the case as also the submissions put forward by the respective parties. The Court also perused the resolution no. 10540 dated 28.06.2022 and the letter no. 241 dated 08.03.2022 issued by the General Administration Department and Education Department respectively.

12. This Court is in full agreement with the submissions put forward by the learned State Counsel that the aforesaid documents which the petitioner has brought in support of his case is restricted to the certificates/degrees issued from the Tribhuvan University/Kathmandu University and that too with regard to +2 onward certificate/degree. It nowhere talks about the equivalence of Tenth Certificate issued by the Boards in Nepal.

13. It is an accepted fact that his tenth certificate is from Nepal which according to the letter in question is not recognized by the State of Bihar.



14. In that view of the matter, this Court do not find any merit in the petition and/or the reason to interfere with the order/memo no. 613 dated 14.07.2015 issued by the respondent- Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Araria.

15. The writ petition stands dismissed.

16. Let a copy of the order be sent to the respondent- Principal Secretary, Education Department, Bihar for his perusal and do the needful as being the head, he must have the knowledge that for eight long years, no counter affidavit was filed by the Department in the present writ petition.

(Rajiv Roy, J)

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