

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8647 of 2024

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Archana Singh D/o Ravi Singh Resident of Village and Post- Satedh, Via-
Budhangra, P.S- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Commissioner cum- Secretary, Human Resources Dept. Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, District- Sitamarhi.
4. The District Education Officer, District- Sitamarhi.
5. The District Program Officer, Establishment Sitamarhi.
6. The Secretary , Block Employment Unit-Cum-Block Development Officer, Bokhara Block, District- Sitamarhi.
7. The Chairman, Block Employment Unit, Bokhara Block, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Niraj Kumar, Advocate
For the State : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 28-11-2024

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Petitioner is aggrieved by the order dated
05.08.2022 passed by the State Appellate Authority in Case No.
Appeal/50/2021 whereby and whereunder the order dated
12.06.2018 passed by the District Appellate Authority, Sitamarhi
in Case No. 28/2017 was set aside with direction that
appointment of the petitioner is cancelled from the date of his
appointment and also debarred from any future appointment in



the State.

3. Bereft of the unnecessary details, the facts of the case are that petitioner was appointed as a Block Teacher in Middle School, Satedh of Block- Bokhara under District- Sitamarhi vide Memo No. 393 dated 12.08.2010 and subsequently, petitioner joined the said school on 14.08.2010 on the basis of intermediate certificate issued by the Central Board of Higher Education, New Delhi. Thereafter, on 17.07.2015, the Block Teacher Appointment Unit, Bokhara took a decision to terminate the services of the petitioner appointed on the basis of intermediate certificate on the ground that the intermediate certificate of the petitioner issued by the Central Board of Higher Education, New Delhi is not recognized by the State of Bihar and accordingly, the services of the petitioner, along with two others, were terminated vide Memo No. 833 dated 17.07.2015 (Annexure-P-6 to this writ application) issued by the Block Development Officer-cum-Secretary, Block Appointment Unit, Bokhara. Thereafter, petitioner, with other two similarly situated persons, filed appeal before the District Appellate Authority, Sitamarhi vide Case No. 28 of 2017 in pursuance of order passed by this Court on 12.09.2017 in *C.W.J.C. No. 19182 of 2015*. The District Appellate Authority allowed the appeal of



the petitioner vide order dated 12.06.2018 and directed the Block Development Officer-cum-Secretary, Block Appointment Unit, Bokhara to reinstate the petitioner in service. Being aggrieved with the order of the District Appellate Authority dated 12.06.2018 passed in Appeal Case No. 28 of 2017, Respondent Nos. 4, 5 and 6 filed an appeal before the State Appellate Authority, Patna bearing Case No. 50 of 2021. The State Appellate Authority, after hearing the parties, concluded that the intermediate certificate of Central Board of Higher Education, New Delhi is not recognized as an equivalent degree which could be valid for appointment of teachers in the State of Bihar and on that basis, the order of the District Appellate Authority dated 12.06.2018 passed in Appeal Case No. 28 of 2017 was quashed and services of the petitioner was terminated.

4. Learned counsel appearing on behalf of the petitioner submits that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Division Bench of this Hon'ble Court vide order dated 02.07.1992 passed in the case of ***Renuka Devi versus The State of Bihar and Others*** arising out of ***C.W.J.C. No. 2207 of 1991***. It is further submitted that case of the petitioner is squarely covered by the order dated 06.08.2019 passed by a Co-



ordinate Bench of this Hon'ble Court in the case of ***Himanshu Kumar versus The State of Bihar and Others*** arising out of ***C.W.J.C. No. 6159 of 2016***.

5. Learned counsel appearing on behalf of the State is not in a position to dispute the assertions made on behalf of the petitioner.

6. Having heard the rival submissions advanced on behalf of the parties, facts and circumstances of the case as well as the law laid down by the Division Bench of this Hon'ble Court in ***C.W.J.C. No. 2207 of 1991*** and the fact that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide order dated 06.08.2019 passed in ***C.W.J.C. No. 6159 of 2016***, this Court is left with not other option and does not find any reason to keep the instant writ application pending.

7. Accordingly, the impugned order dated 05.08.2022 passed in Case No. Appeal/50/2021 by the State Appellate Authority, Education Department, Bihar, Patna, as contained in Annexure-P-15 to the instant writ application, is held to be bad in the eyes of law and is hereby quashed and set aside.

8. Accordingly, the respondents are directed to



reinstate the petitioner with all consequential benefits. However, liberty shall be available to the respondents to take fresh appropriate decision in light of order of the Division Bench of this Hon’ble Court dated 02.07.1992 passed in ***C.W.J.C. No. 2207 of 1991.***

9. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2024
Transmission Date	NA

