

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.603 of 2022

In
Civil Writ Jurisdiction Case No.17360 of 2018

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Md. Dilshad Ahmad S/o Md. Mustaque Ahmad, resident of Village -
Surondha Colony, P.S. - Koilwar, District - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Vikash Bhawan, Patna.
3. The Joint Secretary, Education Department, Vikash Bhawan, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Rohtas.
6. The Block Education Extension Officer Bikramganj, District – Rohtas.
7. The Headmaster Middle School, Jamodhi, Bikramganj, District – Rohtas.
8. The District Programme Officer, Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. Apurva Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 27-02-2024

Re.: Interlocutory Application No. 1 of 2023

There is 14 days delay in filing the appeal.

2. Having gone through the affidavit filed along with the application, we find that there are sufficient grounds stated by the appellant to condone the delay.

3. Delay is condoned.

4. I.A. No. 1 of 2023 stands disposed of.

Re.: L.P.A. No. 603 of 2022

The writ petition was dismissed on the ground that the appellant's qualification was not a recognized qualification at the time of his appointment. The appellant's appointment was cancelled vide order dated 13.01.2018 (Annexure-2). The appellant's contention was only that the appellant's qualification had been recognized later. The learned Single Judge rightly found that on a later recognition, there could not have been regularization of appointment, which at the time of appointment was not possible.

2. The learned counsel for the appellant has produced judgment in LPA No. 1254 of 2016 (State of Bihar & Ors Vs. Sanjay Kumar Chaudhary and Anr), which considered the termination of certain elementary teachers who were appointed



pursuant to the undertaking given by the State before the Hon’ble Supreme Court. The Hon’ble Supreme Court had directed that those persons who were appointed on the basis of the report of Justice S.K. Chatopadhyay shall not be terminated. There is nothing on record to show that the petitioner was appointed as per the said report.

3. In the said circumstance, we find absolutely no reason to entertain the appeal. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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