

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17720 of 2023

1. Uma Shankar Singh Son of Sri Ramnath Singh, (Panchayat Teacher) Primary School Deodhi, Resident of Village Bhisra, P.O. Chandanpura, P.S. Amjhore, District - Rohtas.
2. Manoj Kumar, Son of Sri Brija Singh, (Panchayat Teacher) Primary School Teacher, Tetrahat, Barun Resident of Karma Road, (Kanhaiya Complex) P.O. and P.S. - Aurangabad District - Aurangabad.
3. Birendra Prasad, Son of Sri Narayan Prasad, (Block Teacher) Rajkiya Middle School, Kadokhari, Barun, Resident of village - Barun, P.S. Barun District - Aurangabad.
4. Balram Singh, Son of Bhesh Narayan Singh, (Block Teacher) Rajkiya Kanya Middle School Barun, Resident of village - Barun, P.O. and P.S. Barun District - Aurangabad.
5. Ashutosh Kumar, Son of Late Chakrasudarshan Mishra, (Panchayat Teacher) Navsrijit Primary School, Malpur, Barun, resident of village Kodar, P.O. Aurangabad Saraiya, Block - Tilauthu, District - Rohtas.
6. Suresh Kumar Singh, Son of Awadhesh Prasad Singh, (Panchayat Teacher) Navsrijit Primary School, Chandauli, Barun, village Tendua Ganpat, P.O. Rajpur, P.S. Risiyap, District Aurangabad.
7. Rajeshwari Kumari, Wife of Balram Singh, (Panchayat Teacher), Rajkiya Kanya Middle School, Barun, resident of Village Barun, P.O. Barun, P.S. Barun, District - Aurangabad.
8. Anita Kumari, Wife of Nand Kishore Singh, (Panchayat Teacher), Primary School, Deodhi, Barun, resident of village Deodhi, P.O. Bahuriya Bigha, P.S. Barun, District - Aurangabad.
9. Madhu Kumari Wife of Birendra Singh, (Panchayat Teacher, Primary School, Tendua Ganpat, Barun, resident of village Phesra, P.O. Rafiganj, P.S. Rafiganj, District - Aurangabad.
10. Ashok Kumar Singh Son of Ramswarup Singh, (Primary School, Navsrijit Primary School, Malpur, Barun, resident of village Mallukhaira, P.S. Barun, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director Primary Education Department of Education Patna.
3. The District Magistrate, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The District Programme Officer (Est.) Aurangabad.
6. The Block Employment Unit, Cum Block Panchayati Raj Officer, Block Barun District Aurangabad.
7. The Block Education Officer, Block Barun District Aurangabad.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Mr. Shambhu Sharan Kumar, Advocate
For the State : Mr. Ajay Bihari Sinha, GA-8
Mr. Neeraj Raj, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 29-07-2024

Heard Mrs. Nivedita Nirvikar, learned senior counsel assisted by Mr. Shambhu Sharan Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ajay Bihari Sinha, learned GA-8 appearing on behalf of the respondent-State.

2. The petitioners, altogether ten in numbers, have put to challenge the order dated 14.11.2023, passed in O.A. Case No. T-886/2022, by the State Appellate Authority, Education Department, Bihar, Patna, whereby the petitioners' appointment as Panchayat/ Block teachers have been held to be illegal on the ground that the petitioners have submitted educational/teachers training certificate issued by an unrecognized institution, namely, Bhartiya Shiksha Parishad, Lucknow. While holding the petitioners' appointment as Panchayat/ Block teachers illegal, the State Appellate Authority by the said order has also directed the District Education Officer to take steps for recovery of the



payment made to the petitioners, by following the due process of law.

3. The case of the petitioners, as projected in the writ petition, is that while the petitioners were appointed as Panchyat/ Block teachers in the year 2006 and they continued to work as such, the Block Development Officer, Barun had issued Letter No. 874/2014 dated 28.04.2014, whereby, the payment of the salary of the petitioners was stopped. The petitioners approached the District Appellate Authority, Aurangabad challenging the letter no. 874/2014, dated 28.04.2014 issued by the Block Development Officer, Barun. It is relevant to mention herein that in the meanwhile, the Deputy Secretary, Department of Human Resources Development, Government of Bihar had issued a letter dated 30.10.2008 whereby, the teachers training certificates issued by the Bhartiya Shiksha Parishad, Lucknow was held to be invalid for want of recognition of the said institution by any statutory authority.

4. The cases filed by the petitioners before the District Appellate Authority, Aurangabad were disposed of by an order dated 07.11.2014, whereby, the District Appellate Authority, Aurangabad has held that the letter dated 30.10.2008, issued by the Deputy Secretary, Human Resource Development



Department, Government of Bihar holding the teachers training certificate issued by Bhartiya Shiksha Parishad, Lucknow invalid for want of recognition by any statutory authority, was prospective in nature and in view of the fact that the petitioners were appointed as Panchyat/ Block teacher in the year 2006, the authorities were directed to pay the petitioners' salary as Panchayat/ Block teachers.

5. The Department filed an appeal before the State Appellate Authority challenging the order dated 07.11.2014, passed by the District Appellate Authority, Aurangabad, which was registered as Appeal No. 117 of 2021. The said Appeal, preferred by the Department, was dismissed by the State Appellate Authority by an order passed on 06.10.2021 (Annexure-5). The order dated 06.10.2021, passed by the State Appellate Authority, in Appeal No. 117 of 2021 was put to challenge before the High Court by filing a writ petition being C.W.J.C. No. 7089 of 2022 (The State of Bihar & Anr. Vs. Uma Shankar Singh & Ors.). However, on the prayer of learned counsel for the State, the said writ petition was dismissed as withdrawn vide order dated 20.07.2022.

6. Subsequently, the District Programme Officer (Establishment), Aurangabad filed an original application before



the State Appellate Authority which was registered as O.A. Case No. T-886/2022 whereby, the appointment of the petitioners as Panchayat/ Block teachers were challenged primarily on the ground that the teachers training certificate, submitted by the petitioners issued by Bhartiya Shiksha Parishad, Lucknow, is invalid for want of recognition of the institution by any statutory authority.

7. The O.A. Case No. T-886/2022 filed by the District Programme Officer (Establishment), Aurangabad was taken cognizance by the State Appellate Authority in terms of the judgment dated 16.05.2022, passed by this Court in C.W.J.C. No. 5770 of 2022.

8. The petitioners, who were the respondents in O.A., contested the case, filed by the District Programme Officer (Establishment), Aurangabad before the State Appellate Authority. The State Appellate Authority, after hearing both the parties, vide the impugned order dated 14.11.2023, has come to a conclusion that the teachers training certificate submitted by the petitioners from the Bhartiya Shiksha Parishad, Lucknow, is invalid and accordingly, the appointment of the petitioners as Panchayat/ Block teachers were held to be illegal. Consequently, the State Appellate Authority, vide the impugned order dated



14.11.2023, also directed the District Education Officer to take steps for recovery of the payment made to the petitioners in accordance with law.

9. Challenging the impugned order dated 14.11.2023, passed by the State Appellate Authority, learned senior counsel for the petitioners has submitted that by an order dated 07.11.2014, the District Appellate Authority, Aurangabad in the cases filed by the petitioners, had already held that the letter dated 30.10.2008, issued by the Deputy Secretary, Human Resource Development Department, Government of Bihar, holding the teachers training certificate issued by the Bhartiya Shiksha Parishad, Lucknow as invalid, to be prospective in nature and thereby, the petitioners' appointment as Panchayat/Block teachers have been upheld. The said order of the District Appellate Authority, Aurangabad dated 07.11.2014 was put to challenge by the Department before the State Appellate Authority in Appeal No. 117 of 2021, and the State Appellate Authority, vide order dated 06.10.2021, dismissed the said appeal. Thereafter, the Department had preferred a writ petition being C.W.J.C. No. 7089 of 2022, challenging the order of the State Appellate Authority dated 06.10.2022, passed in Appeal No. 117 of 2021, which, however, was dismissed as withdrawn.



Accordingly, the learned senior counsel for the petitioners contend that the order dated 07.11.2014, passed by the District Appellate Authority, Aurangabad, in the cases filed by the petitioners have attained finality and the State Appellate Authority by the impugned order could not have taken cognizance of the said matter which has already been adjudicated by the District Appellate Authority, Aurangabad which has attained its finality.

10. Learned senior counsel for the petitioners further submit that the District Programme Officer (Establishment), Aurangabad had no jurisdiction and authority to file an application before the State Appellate Authority, challenging the appointment of the petitioners as Panchayat/ Block teachers, which issue had already attained its finality in terms of the order dated 07.11.2014, passed by the District Appellate Authority, Aurangabad, in the cases filed by the petitioners.

11. In support of her contention, learned senior counsel for the petitioners has relied on the following decisions:

- (i) C.W.J.C. No. 23844 of 2019 (Ravi Kumar & Ors., vs. The State of Bihar and Ors.)
- (ii) L.P.A. No. 307 of 2020 (The State of Bihar & Ors. vs. Ravi Kumar & Ors.)
- (iii) 2009 (1) PLJR 712 (State Election Commission & Ors. vs. Punam Kumari & Anr.)



- (iv) 2019 (1) PLJR 361 (New India Assurance Company Ltd. vs. Hasne Bano & Ors.)
- (v) (2003) 5 SCC 480 (Rajasthan Public Service Commission and Anr. vs. Harish Kumar Purohit & Ors.)
- (vi) 2024 (2) PLJR 68
- (vii) 1998 (2) PLJR 280 (Dr. Ashok Kumar Sinha vs. Patna University and Ors.)
- (viii) L.P.A No. 1239 of 2018 (Kumari Ragini vs. The State of Bihar)

12. The respondents have contested the case by filing a counter affidavit on behalf of the respondent no.5. The respondent no.5, in paragraph no. 10 of the counter affidavit filed, has stated as under:

“10. That from the conspectus of the facts stated herein above, particularly as the petitioner had managed to get appointed as Niyojit Teacher on the basis of Training Certificate from Bhartiya Shiksha Parishad, Lucknow which is as unrecognized recognition, hence the claim of the petitioner had rightly been declined by the Ld State Appellate Authority, Patna and further direction has been passed to terminate/dismiss them.”

13. Learned counsel for the respondent-State by referring to paragraph no.10 of the counter affidavit filed by the respondent no.5, has submitted that since the petitioners’



appointment as *Niyojit* teacher was made on the basis of teachers training certificate issued by Bhartiya Shiksha Prarishad, Lucknow, which was found to be an unrecognized institution, the order passed by the State Appellate Authority setting aside the petitioners' appointment as *Niyojit* teacher and thereby, directing the District Education Officer to recover the payment made to the petitioners by following due process, is justified and needs no interference.

14. Learned State counsel has also referred to a decision of the Division Bench of this Court dated 07.04.2017, passed in L.P.A. No. 1050 of 2014 (Saleha Khatoon Vs. The State of Bihar & Ors.) to contend that the Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh is an institution not recognized by any statutory authority, and hence, the certificate issued by the Bhartiya Shiksha Parishad, Lucknow is invalid.

15. Under the circumstances, learned State counsel contends that the order of the State Appellate Authority is justified and needs no interference.

16. The petitioners have filed a rejoinder to the counter affidavit filed by the respondent no.5, wherein, in paragraph no.5 thereof, it has been stated that the decision in the L.P.A. No. 1050 of 2014 has been rendered by this Court



without taking note of the earlier decision of this Court in the case of Shashi Kant Saroj & Ors. Vs. The State of Bihar & Ors. (C.W.J.C. No. 3562 of 2008) reported in 2008 (1) PLJR 599 and in the case of Someshwar Rai & Ors. Vs. The State of Bihar & Ors. (C.W.J.C. No. 14813 of 2006), reported in 2007 (3) PLJR 300 and therefore, the State Appellate Authority while deciding the appeal, could not have taken into consideration the decision rendered by this Court in L.P.A. No. 1050 of 2014.

17. Rival contentions advanced by the learned counsels appearing for the contesting parties have received due consideration of this Court.

18. Upon hearing the learned counsel for the parties and on perusal of the materials on record, it is noticed that the petitioners were appointed as Panchayat/Block teacher in the year 2006 on the basis of two years basic teachers training certificate submitted by the petitioners from Bhartiya Siksha Parishad, Lucknow. The petitioners had approached the District Appellate Authority, Aurangabad by filing case nos. 50/2014 (Uma Shanker Singh), 51/2014 (Manoj Kumar), 53/2014 (Birendra Prasad), 54/2014 (Baliram Singh), 56/2014 (Asutosh Kumar), 59/2014 (Suresh Kr. Singh), 60/2014 (Rajeshwari Kumari), 62/2014 (Anita Kumari), 63/2014 (Madhu Kumari)



and 70/2014 (Ashok Kumar Singh), whereby, the petitioners had challenged the letter no. 874, dated 28.04.2014, issued by the Block Development Officer, Barun, whereby the petitioners' salary was stopped on the ground of teachers training certificates submitted by the petitioners having been found to be invalid for the reason that the Bhartiya Siksha Parishad, Lucknow, from where the petitioners had obtained the teachers training certificate, was found to be an institution which was not recognized by any statutory authority.

19. The cases filed by the petitioners were disposed of by the District Appellate Authority, Aurangabad by an order dated 07.11.2014 (Annexure-P/3), whereby it was held that the order dated 30.10.2008, issued by the Deputy Secretary, Human Resources Department, Government of Bihar declaring the teachers training certificates issued by the Bhartiya Siksha Parishad, Lucknow as invalid to be prospective in operation and hence, the State Authorities was directed to pay the petitioners their salary as the petitioners were appointed as Panchayat/Block teachers in the year 2006. Against the order dated 07.11.2014, passed by the District Appellate Authority, Aurangabad, in the cases mentioned hereinabove, the State Authority had preferred an appeal before the State Appellate



Authority, which was registered as Appeal No. 117 of 2021. The appeal was dismissed by the State Appellate Authority vide order dated 06.10.2021. It is also noticed that the State had filed a writ petition, being C.W.J.C. No. 7089 of 2022, challenging the order dated 06.10.2021, passed by the State Appellate Authority in Appeal No. 117 of 2021, which, however, was dismissed as withdrawn vide order dated 20.07.2022.

20. Though, the matter appears to have ended with dismissal of the C.W.J.C. No. 7089 of 2022 as withdrawn by the petitioners, but then the State through the District Programme Officer, Aurangabad filed O.A. Case No. T-886/2022 before the State Appellate Authority, wherein the appointment of the petitioners was again put to challenge on the ground that the petitioners' appointment was on the basis of teachers training certificate, issued by the Bhartiya Siksha Parishad, Lucknow, which is an unrecognized institution and hence their appointment was illegal. O.A. Case No. T-886/2022 was entertained by the State Appellate Authority in view of order of this Court dated 16.05.2022, passed in C.W.J.C. No. 5770 of 2022, wherein, this Court in paragraph nos. 17, 18 and 19 has held as follows:-

“17. Even, otherwise once the High Court has taken an interpretation and



directed the State Appellate Authority to entertain application directly vide its Judgment dated 07.03.2022, passed in C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.), there was no occasion for the office of the State Appellate Authority to raise objections relating to entertaining of such applications.

18. Leaving the matter at the stage, it is now directed that the writ petition is disposed of with direction to the State Appellate Authority to examine the application filed by the petitioner on merits and decide the same expeditiously.

19. This Judgment shall be treated as Judgment in rem. In other words, it shall be applicable for all cases which may be filed before the State Appellate Authority by way of an application. It would be registered by them separately and in-distinction to the appeals.”

21. The issue arising for determination in O.A. Case No. T-886/2022 by the State Appellate Authority was whether the Bhartiya Siksha Parishad, Lucknow, from where the petitioners had obtained their teachers training certificate was an institution recognized by any statutory authority or not?

22. The petitioners herein, though, had contested the O.A. Case No. T-886/2022, were unable to show before the State Appellate Authority that the Bhartiya Siksha Parishad, Lucknow was an institution recognized by a statutory authority



and hence competent to issue teachers training certificate. The State Appellate Authority, vide order dated 14.11.2023 while coming to the conclusion that the Bhartiya Siksha Parishad, Lucknow is not a recognized institution under any statutory authority, had relied on a decision of this Court dated 07.04.2007, rendered in L.P.A. No. 1050 of 2014 (Saleha Khatoon Vs. The State of Bihar & Ors.). The order dated 07.04.2007, passed by this Court in L.P.A. No. 1050 of 2014 is reproduced hereinbelow:-

“Heard learned counsels for the parties.

The appellant was respondent no. 9 in the writ application. Her appointment as a Panchayat Teacher was challenged by private-respondent no. 9, who was also the writ petitioner and the Learned Single Judge after considering the entirety of the dispute came to a considered opinion that the degree, which the appellant had obtained from Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh, was an invalid degree of Intermediate and training, because the said institution had no recognition from any statutory authority. This formed the basis for her removal first by the Tribunal and then affirmed by the Learned Single Judge.

It is no longer an arguable case with regard to the status and validity of any degree issued by Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh, which is not an educational institution, but a degree selling shop. Therefore, the Learned Single Judge



has committed no error by allowing the writ application and upholding the decision of the District Teachers Employment Appellate Tribunal, removing the appellant from the post of Panchayat Teacher. No relief can be extended to a person, who wants to be a Teacher, but without any valid education and degree behind the so call knowledge, she claimed, she has.

Appeal is dismissed.”

23. On perusal of the judgment dated 07.04.2017, passed by this Court in L.P.A. No. 1050 of 2014, there remains no manner of doubt that the Bhartiya Siksha Parishad, Lucknow is not a recognized institution by any statutory authority and hence, the certificates issued by the Bhartiya Siksha Parishad, Lucknow would have no legal validity. Since the decision of the State appellate authority rendered in O.A. Case No. T-886/2022 was on the basis of decision rendered by a Division Bench of this Court in L.P.A. No. 1050 of 2014, whereby the Bhartiya Siksha Parishad, Lucknow has been held to be an institution not recognized by any statutory authority, the decision of the State Appellate Authority that the appointment of the petitioners as Panchayat/Block teachers on the basis of teachers training certificate issued by Bhartiya Siksha Parishad, Lucknow is illegal, cannot be faulted with.

24. I have also perused the decision rendered by this



Court in C.W.J.C. No. 14813 of 2006 and C.W.J.C. No. 3562 of 2006, which have been referred by the learned Sr. counsel for the petitioners. In the decisions rendered by this Court in the aforesaid two writ petitions, I find that the learned Single Judge of this Court in both the writ petitions does not say that the Bhartiya Siksha Parishad, Lucknow is a recognized institution by any statutory authority, but it only directs the authorities to take a decision in the matter, as to whether the Bhartiya Siksha Parishad, Lucknow is a recognized institution under any statutory authority or not. No material has been brought on record by the petitioners that the State Authorities have taken a decision that the Bhartiya Siksha Parishad, Lucknow is an institution recognized by any statutory authority. Under the circumstances, in view of the judgment dated 07.04.2017, passed by a Division Bench of this Court in L.P.A. No. 1050 of 2014, there remains no manner of doubt that Bhartiya Siksha Parishad, Lucknow is an institution not recognized by any statutory authority.

25. Though, from the order dated 20.07.2022, passed in C.W.J.C. No. 7089 of 2022 dismissing the writ petition as withdrawn, it appears that the order dated 07.11.2014, passed by the District Appellate Authority, Aurangabad, appears to have



attained finality, but since O.A. Case No. T-886/2022 was entertained by the Appellate Authority, in view of the judgment dated 16.05.2022, passed in C.W.J.C. No. 5770 of 2022 and the State Appellate Authority by the impugned order dated 14.11.2023 has come to a categorical conclusion that the Bhartiya Siksha Parishad, Lucknow is not an institution recognized by any statutory authority on the basis of law laid down by this Court in L.P.A. No. 1050 of 2014, I am not inclined to interfere with the impugned order dated 14.11.2023, passed by the State Appellate Authority in O.A. Case No. T-886/2022 for the reason that the petitioners have been found to be ineligible for appointment as Panchayat/Block teachers on the ground of not possessing the required educational qualification which goes to the root of the matter.

26. For the reasons stated above, I find no merit in this writ petition.

27. Accordingly, the writ petition is dismissed.

(Nani Tagia, J)

Nilmani/
Amrendra

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.07.2024
Transmission Date	N/A

