

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4838 of 2023

1. Sanjeet Kumar Suman S/o Sri Jagdish Prasad Yadav Village and Post-Kaviyahi, P.S.- Shankarpur, District- Madhepura.
2. Punam Kumari, W/o Shatrughan Prasad Mehta Piprakhurd, Ward no. 6, P.S.- Piprakhurd, District- Supaul.
3. Sangita Kumari, W/o Santosh Kumar, D/o Shivnandan Yadav Village-Kayota Patti, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Director, Primary and Secondary Education, Government of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The District Education Officer, Supaul.
5. The District Education Officer, (Sarv Siksha), Supaul.
6. The District Education Officer (Establishment), Supaul.
7. The District Programme Officer, Supaul.
8. The Block Education Officer, Block- Raghapur, Supaul.
9. The Block Education Extension Officer, Block- Raghapur, Supaul.
10. The Secretary, Block Teachers Employment Unit, Pipra, Supaul.
11. The Secretary, Panchayat Teachers Employment Unit, Bayasi, Block- Raghapur, District- Supaul.
12. The Secretary, Panchayat Teachers Employment Unit, Pathara Dakshin, Block- Pipra, District- Supaul.
13. The Panchayat Secretary, Gram Panchayat, Pathra Dakshin, Block- Pipra, District- Supaul.
14. The Panchayat Secretary, Gram Panchayat, Pathra Bayasi, Block- Raghapur, District- Supaul.
15. The Head Master, Upgraded Middle School, Dulari Block- Pipra, District- Supaul.
16. The Headmaster, Primary School, Dumri Bayasi, Block- Raghapur, District- Supaul.
17. The Headmaster, Primary School, Dumri Bayasi, Block- Raghapur, District- Supaul.
18. The Headmaster, Nav Srijit Primary School, Vishwkarma Tola Pathra, Dakshin, Block- Pipra, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind



For the Respondent/s : Mr. Jitendra Kr. Roy (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 27-01-2025

Heard learned counsels for the parties.

2. The petitioners have approached this Court for the following reliefs:-

(i) For quashing the gyapank 1920 (Ni.) dated 11.08.2022, whereby the DPO (Est.), Supaul directed all the employment units of the district to ask show cause from the Assistant Teachers and terminate their services who got employment on the basis of degree/ certificate obtained from the Board of Higher Secondary Education, Delhi.

(ii) For quashing the order dated 02.12.2022, passed in O.A. No.682/2022 by the State Appellate Authority, Patna and which is treated as judgment in rem.

(iii) For quashing the gyapank 3056 (Ni) dated 30.12.2022, whereby the DPO (Est.), Supaul had directed to the respondents concerned to terminate the services of the petitioners from the date of their appointments and recover the salary already drawn by them by filing certificate case pursuant to the order dated 02.12.2022, passed by the State Appellate Authority, Patna in O.A. No.678/2022, O.A. No.680/2022, O.A. No.682/2022.

(iv) For quashing all the consequential orders of terminations issued by the respondents in pursuance of the gyapank 3056 (Ni) dated 30.12.2022 and the decisions taken by the District Education Officer, Supaul.

(v) For directing the respondents concerned to recognize the certificates issued by the Board of Higher Secondary Education, Delhi issued in favour of the petitioners a valid certificate since this institute was recognized by the UP intermediate Education Board.

(vi) For directing the respondents concerned to not to disturb the continuance of the service of the



petitioners on the post of Assistant Teacher in their respective schools and not to recover the salary already drawn by them against the work done by them.

(vii) For staying the aforesaid orders of termination and recovery of salary till the disposal of the present case.

(viii) For any other relief(s).

(ix) For quashing the common order dated 16.05.2023, passed in O.A. No.101/2023, Punam Kumari vs. State of Bihar; O.A. No.102/2023, Sanjeet Kumar Suman vs. The State of Bihar; O.A. No.103/2023; Sangita Kumari vs. The State of Bihar by the State Appellate Authority, Patna.

(x) For quashing the letter No.1088(Ni) dated 02.06.2023 issued by the District Programme Officer, Establishment, Supaul and gyapank no.368 dated 03.06.2023, issued by the Block Education Officer, Pipra, Supaul.

3. Learned counsel for the petitioners submitted that pursuant to an advertisement, the petitioners applied for their appointment on the post of Assistant Teachers. Petitioner nos.1 and 2 had produced Intermediate certificate and the Basic Teachers Training Certificate of 1994, whereas the petitioner no.3 had produced the Intermediate certificate and the Basic Teachers Training Certificate of 1995. All the certificates of the petitioners were issued by the Board of Higher Secondary Education, Delhi.

4. It is further submitted that after counselling and verification of documents, petitioners were given joining letters and in compliance, thereof, petitioners joined in their respective



schools on the post of Assistant Teachers. Thereafter, a letter 1920 (ni.) dated 11.08.2022 issued by the District Programme Officer, Supaul, wherein the Employment units of the district were asked to take steps under the Primary Teachers Employment Rules, 2006, 2008, 2012 and terminate the services of six teachers, including the petitioners who were appointed based upon certificates issued by the Board of Higher Secondary Education, Delhi.

5. Feeling aggrieved, the petitioners and others filed appeal before the State Appellate Authority, Patna, Bihar and all the appeals were rejected by a common order dated 02.12.2022. The present petitioners had also filed O.A.s but they are still pending for disposal and order dated 02.12.2022 came into existence and in pursuance of the said impugned order, a common letter no.3056(ni) dated 30.12.2022 was issued by the DPO (Est.), Supaul to all the employment units communicating the decisions taken by the District Education Officer regarding the termination and recovery of salary from the said 6 teachers by filing Certificate Case before the District Certificate Officer, Supaul.

6. It is further submitted that the requisite qualification for the appointment of teachers have been given under Bihar



Panchayat Primary Teachers (Employment & Service Condition) Rules, 2006. It says that certificates/ degrees on the basis of which the candidates shall get employment in Primary schools and middle schools of Bihar must be issued by the institution recognized by any of the States of India.

7. That the gyapank No.2115, dated 29.12.2008, issued by the Director, Secondary Education to all the District Education Officer, Sub-Divisional Education Officer, District Superintendent Education for giving him information regarding any decision of the High Court and the Supreme Court about the recognition of the institution for appointment of the teachers.

8. That in **Special Appeal Defective No.135 of 2013, District Basic Education Officer, Sitapur vs. Smt. Asha Pandey reported in 2013 ADJ 295**, the Division Bench of the Allahabad High Court has held on 06.03.2013 that the Board of Higher Secondary Education, Delhi was de-recognized by the UP Intermediate Education Board in the year 2012 and the degrees/certificate obtained prior to the de-recognition has to be treated as recognized degree and hence affirmed the order of the Single Judge. (Annexure- 9 to the writ application)

9. In an another **Writ-A No.21345/2017, Raj Kumari vs. State of UP & 2 Ors.**, the learned Single Judge, Allahabad High



Court on 16.05.2017, quashed the order of cancellation of appointment dated 20.04.2017 of the petitioner and directed the respondents to pass a fresh order in the light of the decision reported in **2013 ADJ 295**. (Annexure-10 to the writ application).

10. It is further submitted that the Board of Higher Secondary Education, Delhi has been recognized under Chapter 14 Rule 38 of the Uttar Pradesh Intermediate Education Act, 1921, and with this respect a letter No.138 dated 10.02.2015 was also issued by the Personal Secretary to the Hon'ble State Minister, Secondary Education, Uttar Pradesh.

11. It is further submitted that in light of the recognition granted to the Board of Higher Secondary Education, Delhi by the UP Intermediate Education Board and the decisions of the Allahabad High Court, it is clear that the said institutions fulfills the qualification criteria fixed under 2006, 2008 and 2012 rules and hence the certificates issued by the said institution in favour of the petitioners cannot be said to be a fake one.

12. A supplementary counter affidavit has been filed on behalf of the respondent no.7. It is submitted that vide departmental order contained in Memo No.314 dated 09.05.2012, issued by the Joint Secretary, Education



Department, Government of Bihar, Patna, the degree/ certificate issued by the Board of Higher Secondary Education, New Delhi has been held as unrecognized for appointment of 34540 Assistant Teachers pursuant to direction of the Hon'ble Supreme Court. (Annexure R 7/A to the supplementary counter affidavit).

13. It is further submitted that the Principal Secretary, Education Department, Government of Bihar vide letter No.782 dated 10.07.2015 has made categorical direction to all the DEO's of the State to the effect that teachers appointed on the basis of degree/ certificate obtained from Board of Higher Secondary Education, New Delhi be marked removed from service in due observation of law in view of decision rendered by this Court dated 05.12.2014 passed in **C.W.J.C. No.21035 of 2013 (Smt. Sonika Verma and Ors. vs. The State of Bihar & Ors.)**. The State Appellate Authority while dismissing the appeal of the petitioners had made detailed discussion of aforesaid order and has held that:-

“The Board of Higher Secondary Education, New Delhi is not an institution recognized by the State of Bihar or any statutory body worthy of name having the competent power in this regard. This Court has had occasion to look into many such degrees and on the inputs provided, there is no hesitation in recording that these are not institutions but shops selling degrees



for a price for any person willing to bargain with them. Such educational degrees, therefore, can never form the basis for providing employment that too as a Teacher under the State of Bihar. Learned counsel for the petitioner submits that there are many persons who are working on the basis of such a degree in the State of Bihar as a Panchayat Teacher. This Court directs the Principal Secretary, Education Department, Bihar to issue appropriate direction for verification whether there are persons having any kind of degree from such institutions who have been employed and are working as Teachers because they all have to be identified and weeded out. The Principal Secretary must act upon the direction of this Court within a period of three months from the date of communication of a copy of this order”.

14. It is further submitted that the Ministry of Human Resources Development has requested on 09.05.2017 and 19.01.2018 to the Commissioner of Police, Delhi to lodge an FIR against the Board of Higher Secondary Education as it does not meet the conditions and stop its functioning for distributing certificates for Secondary, Senior Secondary classes which is totally fraudulent. However, Board of Higher Secondary Education, Delhi is still showing in its website that it is an autonomous organization under Government of India, Ministry of Education Department. And in the aforesaid light, it is



clarified that Board of Higher Secondary Education, Delhi has not been set up by Ministry of HRD and is completely fake/fraudulent.

15. It is further submitted that all the three petitioners had submitted their applications for appointment to the post of Assistant Teacher on the basis of degree/ certificate of passing of intermediate and basic teacher training certificates issued by the Board of Higher Secondary Education, Delhi which is not a recognized institution in the State of Bihar for employment of teacher and therefore, their counselling and grant of selection letter held in the year 2010 was void *ab initio* as they were not possessing requisite qualification for the said post, and therefore impugned order of termination of three petitioners as well as the order passed by the District Appellate Authority and the State Appellate Authority are fit to be affirmed by this Court as the same are legal and valid order passed in accordance with law and the present writ application is accordingly, fit to be dismissed.

16. Heard both the sides.

17. The co-ordinate Bench of this Court in its order passed in C.W.J.C. No.21035/2013 dated 15.12.2014 held that the Board of Higher Secondary Education, New Delhi is not an institution



recognized by the State of Bihar or any statutory body worthy of name having the competent power in this regard. The Ministry of Human Resources Development has also requested on 09.05.2017 and 19.01.2018 to the Commissioner of Police, Delhi to lodge an FIR against the Board of Higher Secondary Education as it does not meet the conditions and stop its functioning for distributing certificates for Secondary and Senior Secondary classes which is totally fraudulent.

18. The judgments relied upon by the learned counsel for the petitioner is also not applicable in the present case because the State of Bihar has not given recognition to the Board of Higher Secondary Education, Delhi.

19. Considering the aforesaid discussions, I find no merit in the present writ application and it is, accordingly, dismissed.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2025
Transmission Date	NA

