

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.71 of 2019

In
Civil Writ Jurisdiction Case No.6095 of 2010

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Nurnehar Khatoon @ Nurnehar Khatun Wife of Nazamul Haque Anasri R/O
Vill.- Brahmain, P.S. Ajam Nagar, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Bihar, Patna
2. The Collector District Katihar
3. The Block Development Officer-cum-Appellate Authority Block Ajam Nagar, District-Katihar
4. The District Superintendent of Education District Katihar
5. The Block Education Extension Officer Ajam Nagar Block, District-Katihar
6. The Mukhiya Gram Panchayat Debgaon, P.S. Ajamnagar, District-Katihar
7. The Panchayat Secretary Debgaon Grampanchayat, P.S. Ajamnagar, District-Katihar
8. The Head Master Up-graded Middle School, Kushaul, P.S. Ajam Nagar, District-Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashmi Kumari, Advocate
For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-04-2025 Heard Ms. Rashmi Kumari, learned counsel for the

petitioner and the State.

2. The present petition has been preferred for:

*“issuance of writ or writs in the nature of
mandamus for quashing the order dated 05.08.2008
(contained in Annexure-II in the writ application)
passed by the Mukhiya (respondent no.6) whereby
the service of the petitioner had been terminated.*

The further prayer for quashing the part



of the circular no. 2517 dated 04.07.2008 (contained in Annexure-8 of writ application) has also been made.

It has further been prayed to reinstate the petitioner on the basis of Advertisement issued by H.R.D. Govt. of Bihar, for which the petitioner applied for selection for Shiksha Mitra and she has been selected vide order dated 28.02.2003.”

3. The short order of the Writ Court dated 03.05.2013 [CWJC No. 6095 of 2010 (Noornehar Khatun vs The State of Bihar & Ors.)] read as follows:

*“The Court could have considered interfering with the order under challenge contained in Annexure- 11 provided the petitioner had obtained a valid recognized degree instilling confidence in the Court. Unfortunately, the so-called Intermediate degree or its equivalent has been obtained from Hindi Vidyapeeth, Deoghar on which this Court had occasion to deal in detail in the case of **Reeta Srivastava & ors. V. the State of Bihar & ors. reported in 2012 (3) PLJR 353**. The Court is informed that the above decision has also been upheld by a Division Bench.*

If the degree of the petitioner is suspect then no degree equivalent to a degree will beget her



right for being restored back on the post of a Panchayat Teacher despite a policy decision having been taken by the State in this regard.

Writ, therefore, is dismissed.

4. Aggrieved, the review petition.

5. Learned State counsel submits that a perusal of the order would show that the petitioner, getting an Intermediate degree or its equivalent certificate from Hindi Vidyapeeth, Deoghar wanted herself to be restored as Panchayat Teacher.

6. It is to be noted that in ***Reeta Srivastava (supra)*** case, the Court in paras 21 to 28 gave reasons to dismiss the batch cases and the said paragraphs are reproduced hereinbelow:

“21. There is overbearing evidence that voluntary organization like Hindi Vidyapith, Deoghar has a role in promotion of the national language i.e. Hindi and the degrees or diploma which are offered by them had a limited objective behind it. Therefore, such degrees cannot be raised to the level of graduation as if the said voluntary organization is a university having all its attribute even though there is no recognition by any statutory body such as U.G.C. etc.

22. This Court has only to remind the



petitioners about what the Hon"ble Apex Court had to say in the case of Pramod Kumar vs. U.P. Secondary Education Services Commission (supra) in paras 19, 20 and 21. If this is the ambit and scope of framework within which any institutions can impart and grant degrees then Sahityalankar has no legal recognition and equivalence which the petitioners were looking for.

23. One of the counsel for the petitioners drew the attention of this Court to a decision which has been rendered by this Bench in an earlier case which was CWJC No. 14029 of 2010 (Raj Kumar Singh and Others) decided on 20.4.2011, where the Court had occasion to deal with similar matter, in the sense that a degree awarded by Hindi Vidyapith, Deoghar was held to be good enough. How the said case overrides yet another D.B. or Apex Court is not fully explained.

24. In this regard the Court had only to say that such a judgment or order is per incuriam in view of various decisions which have been taken note of by this Court in the earlier part of the order and especially the Division Bench decision rendered



in the case of Ganesh Prasad Srivastava (supra).

25. As a last ditch effort reliance has been placed by the petitioners in the case of Sanjay Kumar and Another vs. State of Bihar and Others, reported in 2009(4) PLJR 1039, where a Division Bench dealing with the matter of appointment of Librarian had given relief to the petitioners, based on the same degrees and its equivalent. In this regard the said decision is distinguishable in the present facts as well as the catena of decisions which have been relied upon by this Bench in the earlier part of the order based on the evidence and submissions made in this regard.

26. Before parting this Court cannot stop itself from observing that when an effort was made to obtain information on the World Wide Web i.e. Internet with regard to the institution known as Hindi Vidyapith, Deoghar, with due respect nothing was found on the net In the 21st century, an institution which is issuing degrees to a large number of students and who are claiming benefit from such degrees has no portal or domain name where people can derive information about the



institution freely. The only material which this Court could find on the Internet was a blog site where scanned copies of the degrees which are issued by the said institution have been displayed prominently without any information, background about the institution, the facilities, the infrastructure or the people who are at the helms of affairs which could lend credibility to the said institution. Obviously, over a period of time such institution namely, Hindi Vidyapith, Deoghar has been fishing in muddied water.

27. To sum up therefore, this Court categorically holds that a Sahityalankar degree is not equivalent to graduation and no holder of a degree of Sahityalankar, therefore, can claim the benefit of promotion to the Subordinate Education Service as a matter of right. The recognition if at all given by the State is with a limited object which has been talked about earlier, that is for the purpose of qualifying any Hindi examination and drawing advantage thereof in service and not to beget appointment based on the eligibility laid down for such recruitment or promotion by treating such



degree to have equivalence.

28. A Sahityalankar degree therefore is not equivalent to graduation degree in light of what has been held by this Court in this decision and therefore none of the petitioners have been illegally and arbitrarily discriminated by refusal of the State to bring them within the zone of consideration for promotion to the Subordinate Education Service.”

7. Having recorded the above facts, this Court is of the opinion that lots of water has flown down the Ganges, the entire procedure related to Panchayat Teacher has changed and in that background, reviewing an order passed in the year 2013 which relates to the action taken by the respondents on 05.08.2008 seems unjustified.

8. There is no merit in the petition and the same stands dismissed.

(Rajiv Roy, J)

Adnan/-

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