

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15743 of 2021

Dayanand Yadav Son of Motilal Yadav R/o Arajapur ka Bhatgama, Anchal-
Chausa, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Kosi Division, Saharsa, District- Saharsa.
5. The District Education Officer, Madhepura, District- Madhepura.
6. The District Programme Officer (Establishment), Madhepura, District- Madhepura.
7. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Madhepura, District- Madhepura.
8. The Chief Executive Officer-cum-Member Secretary, Zila Parishad, Secondary/Higher Secondary, Teachers Employment Unit, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha (GP-27)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 04-08-2025 Heard Mr. Tej Bahadur Singh, learned senior counsel assisted by Mr. Brisketu Sharan Pandey, learned counsel appearing on behalf of the petitioner and Mr. Prabhakar Jha, learned GP-27 for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:



"i. For issuing appropriate writ/writs, direction/directions including the writ of certiorari directing thereby quashing of letter dated 29.07.2021 (Annexure-P/1) issued by Respondent No.3 whereby and whereunder the Respondent No. 3 in complete violation to the eligibility criteria mentioned in Bihar Zila Parishad Secondary and Higher Secondary Rules, 2006 has accepted the clarification and guidelines issued by Director Primary Education in relation to the validity of the qualification of B.Ed earned from Sister Nivedita College, Kolkata.

ii. For issuing appropriate writ/writs, direction/directions including the writ certiorari and thereby quashing letter dated 10.08.2021 (Annexure-P/2) bearing Memo No.684 issued under the joint signature of Respondents No. 5 and 6 whereby and whereunder the Respondents have been directed to immediately withhold the salary of the petitioner and directions have also been issued to recover the amount received by the petitioner after terminating the services of the petitioner in accordance with law.

iii. Further the Hon'ble Court may be pleased to hold that the order dated 15.01.2021 bearing Memo No. 71 issued by Director Primary Education in relation to one Sunita Kumari Block Teacher, Banthaha, Sitamarhi is no applicable in case of petitioner and the same cannot act as guiding factor towards the determination of validity of B.Ed qualification acquired by the petitioner.

iv. Further the Hon'ble Court may be pleased to hold that the petitioner who has acquired B.Ed qualification from Sister Nivedita College, Kolkata is eligible for appointment as Secondary School Teacher in terms of Bihar Zila Parishad Secondary and Higher Secondary Teachers (Employment and Service Conditions) Rules, 2006.

v. Further the Hon'ble Court may be pleased to direct the Respondents not to implement order dated 10.08.2021 (Annexure-P/2) until the pendency of the present writ application.

vi. Further consequent upon the quashing of letter dated 10.08.2021 (Annexure-P/2) the Respondents be directed to release the salary withheld by Respondents w.e.f. July 2021 as also other benefits withheld by the Respondents be also directed to release in favour of the petitioner.

vii. Further the Hon'ble Court may pass any order/ orders, direction/directions which it may deem fit within the facts and circumstances of the case and within the ends of equity justice and good conscience."

3. The petitioner is aggrieved by the order contained



in Letter No. 1217 dated 29.07.2021 issued under the signature of the Director, Primary Education, by which the certificate of B.Ed. Degree of the petitioner, which was issued by the Sister Nivedita College, Kolkata, was declared invalid and by the order contained in Memo No. 684 dated 10.08.2021 issued under the signature of District Education Officer, Madhepura, by which the salary of the petitioner was withheld and a direction was issued to recover the amount received by the petitioner after terminating the services of the petitioner.

4. Learned senior counsel appearing on behalf of the petitioner submitted that petitioner was appointed on 08.12.2006 as Zila Parishad Secondary School Teacher at Janta High School, Chausa, Madhepura. The petitioner had obtained B.Ed. degree from Sister Nivedita College, Kolkata on 28.09.1992 for which, examination was held on 28.03.1992 and the certificate has been brought on record by way of 'Annexure-P/10' to the writ petition. Learned senior counsel submitted that the case of the petitioner is covered by the law laid down by the Apex Court in the case of ***Bhagirathi Prasad Dey vs. State of Jharkhand & Ors. (Civil Appeal No. 3693 of 2020)***, wherein, the Apex Court has clarified that the National Council for Teacher Education Act, 1993 came into force with effect from 01.07.1995 and the



said fact has been taken note of by the Apex Court in paragraph no. 5 of the said judgment. A Division Bench of this Court in ***L.P.A. No. 190 of 2021 (Priya Ranjan vs. The State of Bihar & Ors.)*** arising out of ***Civil Review No. 205 of 2019***, relying upon the law laid down by the Apex Court in ***Bhaghirathi Prasad Dey (Supra)*** had set aside and quashed the order dated 14.09.2018 passed by the learned Single Judge in CWJC No. 17064 of 2011. Learned senior counsel submitted that the petitioner is also required to be given the similar relief as has been granted to the appellant of L.P.A. No. 190 of 2021.

5. *Per contra*, learned counsel appearing on behalf of the State submitted that petitioner may represent before the appropriate authority in light of the aforesaid judgments.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, information contained in writ petition and the counter affidavit, I find that the State has not denied that the petitioner has not obtained the B.Ed. degree in the year 1992 from Sister Nivedita College, Kolkata. In that view, the case of the petitioner is covered by the judgment passed by the Apex Court in ***Bhagirathi Prasad Dey (Supra)*** and the judgment passed by a Division Bench of this Court in



L.P.A. No. 190 of 2021. Accordingly, the order contained in Letter No. 1217 dated 29.07.2021 and the order contained in Memo No. 684 dated 10.08.2021 are hereby set-aside and quashed.

8. The petitioner shall be entitled to all the benefits accruing to him from the service rendered as Assistant Teacher and respondents are hereby directed to pay all the consequential benefits, including the arrears of salary to the petitioner well within a period of three months from the date of receipt/production of a copy of this order.

9. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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