

0IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14048 of 2023

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1. Vinod Kumar S/o Sri Bhageerath Baitha, Resident of Village and Post- Jitana, District- East Champaran, at present posted as Panchayat Teacher Nav Srijit Primary School, Panchayat Gola Pakariya, Block- Bankatwa, District-East Champaran (Motihari).
 2. Priyanka Kumari, W/o Pramod Kumar, Resident of Village and Post- Jitana, District-East Champaran, at present posted as Panchayat Teacher Nav Srijit Primary School, Panchayat Gola Pakariya, Block- Bankatwa, District-East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, East Champaran.
4. The District Programme Officer (Establishment), District- East Champaran (Motihari).
5. The Block Development Officer, Block- Bankatwa, District- East Champaran (Motihari).
6. The Block Education Officer, Block- Bankatwa, District- East Champaran (Motihari).
7. The Panchayat Secretary, Panchayat Raj Gola Pakadiya, Block- Bankatwa, District- East Champaran (Motihari).
8. The Mukhiya, Panchayat Raj Gola Pakadiya, Block- Bankatwa, District- East Champaran (Motihari).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate Mr. Binit Kumar, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp17) Mr. Amit Bhushan, AC to GP- 17

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 17-09-2025

Heard learned counsel for the parties.

2. This writ petition has been filed challenging the order dated 16.06.2023 passed by the State Appellate Authority in Appeal No. 170 of 2023, whereby the petitioners' appeal filed



before the State Appellate Authority challenging the order dated 22.12.2017; letter No. 07 dated 22.12.2017 and letter No. 08 dated 22.12.2017, issued under the seal and signature of the Panchayat Secretary and *Mukhiya* of the Gola Pakariya Panchayat, Block – Bankatwa District – East Champaran cancelling the petitioners' services as Panchayat Teacher, has been dismissed.

3. The petitioners were appointed as Panchayat Teacher on 30.11.2006 on the strength of their educational qualification of Parthama, Madhyama (Visharad) obtained from the Hindi Sahitya Sammelan, Prayag, Allahabad considering it to be equivalent to intermediate. The petitioners' appointment as Panchayat Teacher was cancelled by the Panchayat authority vide letter dated 22.12.2017 on the ground that the educational qualification of Parthama, Madhyama (Visharad) obtained from the Hindi Sahitya Sammelan, Prayag, Allahabad is not recognized as equivalent to intermediate and therefore, since the intermediate pass is an essential qualification for appointment of the Panchayat Teacher, the petitioners could not have been appointed as Panchayat Teacher initially.

4. The State Appellate Authority vide impugned order dated 16.06.2023, has dismissed the appeal filed by the petitioners by relying on the decision rendered by the Division Bench of this



Court in LPA No. 28 of 2010, wherein, this Court had held that the educational qualification of Parthama, Madhyama (Visharad) obtained from the Hindi Sahitya Sammelan, Prayag, Allahabad is not recognized as an educational qualification equivalent to intermediate and therefore, any appointment made as Panchayat Teacher on the basis of the educational qualification of Parthama, Madhyama (Visharad) obtained from the Hindi Sahitya Sammelan, Prayag, Allahabad would be *void ab-initio*.

5. The order of the State Appellate Authority passed in Appeal No. 170 of 2023 has been contested by the learned senior counsel for the petitioners by relying on an order of this Court dated 11.07.2019 passed in CWJC No. 16939 of 2018 as well as the letter dated 11.02.2012 written by the Director, Primary Education, Government of Bihar to all the District Education Officers/ District Education Superintendents regarding the degree of Parthama, Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad, wherein, it has been stated that the Human Resources Development vide letter No. 3152 dated 25.08.2008, has declared the degree of Parthama, Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad as invalid for recruitment of teacher but the teachers



employed on the above degree in the year 2006 will continue to hold their post.

6. Order dated 11.07.2019 passed in CWJC No. 16939 of 2018 is extracted hereinbelow for ready reference:

'Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

This writ petition was filed after service of two advance copies to the office of Advocate General on 27.7.2018 yet no counter affidavit has been filed by the respondents.

Grievance of the petitioner in the present writ application is non-payment of salary despite the petitioner is continuing as teacher.

Learned counsel for the petitioner submits that respondents have appointed the petitioner in 2006. They are not making payment on the pretext that the degree obtained from Hindi Sahitaya Sammelan, Prayag, Allahabad is invalid.

The decision to declare the degree invalid with effect from 25.8.2008 whereas the petitioner was appointed in 2006.

In view of the above, the Court does not find any justification to approve the action of the respondent holding the degree obtained from Hindi Sahitaya Sammelan, Prayag, Allahabad before 2006 as invalid. The same cannot be read with retrospective effect and invalidate the appointment of the petitioner made prior to 25.8.2008.



*Accordingly, the writ petition is allowed.
The respondents are directed to ensure payment to
the petitioner with immediate effect.*

*With the aforesaid, the writ petition stands
disposed of.'*

7. On perusal of the order dated 11.07.2019 passed in CWJC No. 16939 of 2018, relied on by the learned senior counsel for the petitioners, it is noticed that the petitioner of that writ petition had filed the aforesaid writ petition against non-payment of salary despite the petitioner continuing as a teacher. Contention was raised by the petitioners in that writ petition that the petitioners were appointed in the year 2006 but the respondent authorities are not making payment on the pretext that the degree obtained from the Hindi Sahitya Sammelan, Prayag, Allahabad was invalid.

8. In the light of the contentions raised as above, this Court appears to have held that it was unjustified to deny salary to the petitioner on the basis of the decision to declare the degree of Parthama, Madhyama (Visharad) obtained from Hindi Sahitya Sammelan, Prayag, Allahabad invalid with effect from 25.08.2008, inasmuch as the petitioner was appointed in the year 2006 which is prior to 25.08.2008. Accordingly, the writ petition was allowed and the respondents were directed to ensure payment to the



petitioners with immediate effect. The contents of the decision taken to invalidate the degree obtained from the Hindi Sahitya Sammelan, Prayag, Allahabad with effect from 25.08.2008, however, has not been highlighted in the order of the Court.

9. From the letter dated 11.02.2012, written by the Director, Primary Education, Government of Bihar to all the District Education Officers / District Education Superintendents which has been relied upon by the learned senior counsel for the petitioners, it is noticed that in the said letter it has been highlighted that the Human Resource Development Department, Government of Bihar vide letter No. 3152 dated 25.08.2008 has declared the degree of Parthama, Madhyama (Visharad) awarded by the Sahitya Sammelan, Prayag, Allahabad as invalid for Teacher's recruitment.

10. Having declared the Parthama, Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad as invalid vide letter dated 25.08.2008, it has, however, also been provided in the said letter that the teachers employed on the above degree in the year 2006 will continue to hold their post.

11. On a closer scrutiny of the order dated 11.07.2019 passed in CWJC No. 16939 of 2018 as well as the letter dated 11.02.2012 issued by the Director, Primary Education,



Government of Bihar to all the District Education Officers / District Education Superintendents, it appears that the order dated 11.07.2019 passed in CWJC No. 16939 of 2018 pertains to non-payment of salary to the petitioners therein on the ground of degree of Parthama, Madhyama (Visharad) obtained from Hindi Sahitya Sammelan, Prayag, Allahabad by the petitioner was not recognized equivalent to intermediate and the Court while adjudicating the issue arising for determination therein, did not take note of the judgment rendered by the Division Bench of this Court in LPA No. 28 of 2010. It also appears that while issuing the letter dated 11.02.2012 by the Director, Primary Education to all the District Education Officers / District Education Superintendents providing therein that the teachers employed in the year 2006 on the strength of Parthama, Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad will continue to hold their post have also failed to take note of the decision rendered by this Court in LPA No. 28 of 2010. In paragraph No. 18 of the order dated 28.04.2010 passed in LPA No. 28 of 2010, it has been held as follows:

‘18. In view of the aforesaid clear order of the subsequent Division Bench in the case of Surendra Prasad (supra) holding that the examination conducted by Hindi Sahitya Sammelan,



Allahabad was never recognized much less treated to be equivalent by the State of Bihar, we can say with sense of certainty that qualification of Madhyama (Visharad) from the Hindi Sahitya Sammelan, Allahabad was never recognized to be equivalent to the qualification of Intermediate by the State of Bihar and if on that basis alone, the respondent writ petitioners had obtained their appointment, the same will have to be held as void ab initio, inasmuch as, it is well settled if the candidate did not possess the requisite qualification, such appointments would liable to be set aside. To that extent, reliance placed by the learned counsel for the State on the judgment of the Apex Court in the case of Dr. Ganga Prasad Verma (supra) as also Bir Singh (supra) seems to be apt and appropriate.'

12. On perusal of what has been held in paragraph No. 18 of the order dated 28.04.2010 passed in LPA No. 28 of 2010, there remains no manner of doubt that Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad has been categorically held not recognized to be equivalent to the qualification of intermediate by the State of Bihar. Having held as such, it has been further held that if on the basis of the aforesaid degree any appointments have been made that appointment will have to be held as *void ab-initio*, inasmuch as it is well settled that



if the candidate did not possess the requisite qualification at the time of initial appointment, such appointments would be *void ab-initio*.

13. Learned counsel for the parties at the bar have not disputed that the decision rendered in LPA No. 28 of 2010 has attained finality and is the law in force as on today to the extent that the degree of Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad is not recognized as equivalent to intermediate in the State of Bihar for teachers appointment.

14. In view of the categorical decision rendered by the Division Bench of this Court in LPA No. 28 of 2010, holding that the degree of Madhyama (Visharad) awarded by the Hindi Sahitya Sammelan, Prayag, Allahabad has not been recognized as equivalent to the educational qualification of intermediate by the State of Bihar for the purpose of appointment as Panchayat Teacher, the decision rendered by the learned Single Judge of this Court in CWJC No. 16939 of 2018 as well as the letter dated 11.02.2012 written by the Director, Primary Education, Government of Bihar to all the District Education Officers / District Education Superintendents cannot be made applicable to validate the petitioners' appointment as Panchayat Teacher for the



simple reason that in doing so it would be completely contrary to what has been held by the Division Bench of this Court in LPA No. 28 of 2010.

15. In view of the above, I am of the view that the decision rendered by the State Appellate Authority in O.A. No. 170 of 2023 vide order dated 16.06.2023 dismissing the appeal filed by the petitioners by placing reliance on the decision rendered by the Division Bench of this Court in LPA No. 28 of 2010 is fully justified, requiring no interference.

16. The writ petition stands dismissed, being devoid of merit.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2025
Transmission Date	NA

