

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3699 of 2025

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Himanshu Kumar Son of Shri Awadhesh Sharma, resident of Ward No. 03,
P.S. - Naubatpur, Bela, Naubatpur, District- Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar at Patna.
2. The Director, Primary Education, Bihar at Patna.
3. The District Magistrate, Patna.
4. The District Superintendent of Education, Patna.
5. The District Programme Officer (Establishment), Patna.
6. The Block Development Officer (B.D.O) cum Secretary, Block Teachers Employment Committee, Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Sr. Standing Counsel
	:	Mr. Sushant Srivastava, Advocate
	:	Mrs. Sonali Priya, Advocate
For the Respondent/s	:	Mr. Government Pleader (16)

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-01-2026 Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

- I. *That the present Writ Application is being filed for issuance of an appropriate writ(s)/ order(s) or direction(s) in the nature of certiorari for quashing and setting-aside Office Order vide Memo No. 1593 dated 28.09.2024 (contained in Annexure-P-19) issued by respondent no. 6 by which the services of the petitioner as a Panchayat Teacher has been terminated on the ground that the said termination is bad in law and not sustainable in the eyes*



of law;

- II. That the present Writ Application is being filed for issuance of an appropriate writ(s)/ order(s) or direction(s) in the nature of certiorari for quashing and setting-aside Order vide Memo No. 6460 dated 19.07.2023 (contained in Annexure-P-17) passed by the District Programme Officer (Establishment), Patna;*
- III. That the present Writ Application is being filed for issuance of an appropriate writ(s)/ order(s) or direction(s) in the nature of mandamus for a direction to the concerned respondent authorities to reinstate the petitioner on his post and further to provide all the consequential benefits to him;*
- IV. That the present Writ Application is being filed for issuance of an appropriate writ(s)/ order(s) or direction(s) in the nature of mandamus for a direction to the concerned respondent authorities to make payment of all the unpaid back wages and payments with regard to other consequential benefits in accordance with the Order dated 06.08.2019 passed in C.W.J.C. No. 6159 of 2015;*

3. It is the case of the petitioner that he was appointed on the post of “Shiksha Mitra” in Middle School Bara, Naubatpur for eleven months on 24.02.2003 and, subsequently by the Government notification, all Shiksha Mitra were treated



to be Panchayat Teachers and by virtue of the same, the petitioner also became Panchayat Teacher. The petitioner passed Teacher Eligibility Test (TET) in the year, 2009.

4. It is further case of the petitioner that he had obtained degree from Central Board of Higher Education, New Delhi, in the year 2001, which is a recognised institution and the certificates issued by the same are treated to be equivalent to matriculation and intermediate school certificates of Bihar. It has further been contended that a Division Bench of this Court vide its order dated 02.07.1992 passed in C.W.J.C. No. 2207 of 1991 has observed that *“according to the respondent, the examination conducted by the Central Board of Higher Education was recognised by the State of Bihar as equivalent to matric examination from the year 1975.”*

5. It has also been contended on behalf of the petitioner that an enquiry was conducted by the Block Education Officer with respect to the certificates granted by the Central Board of Higher Education, New Delhi and it was communicated to the District Programme Officer (Establishment), Patna vide letter no. 121 dated 13.02.2015 by which it is established that Central Board of Higher Education, New Delhi is a recognised institution.



6. It has further been contended on behalf of the petitioner that vide office order dated 14.12.2015 issued by the Block Development Officer, the services of the petitioner was terminated on the ground that the certificate obtained by him from the Central Board of Higher Education, New Delhi has been declared as invalid. The petitioner assailed the said termination order by filing a writ petition bearing C.W.J.C. No. 6159 of 2016 and a co-ordinate Bench of this Court by an order dated 06.08.2019 allowed the writ petition, relevant portion of which is being quoted hereinbelow:-

“ Considering the decision of the Division Bench dated 2.7.1992, this Court is left with no option to quash the order dated 27.11.2012, as contained in Annexure-2 and the follow up order dated 14.12.2015, as contained in Annexure-1. They are, accordingly, quashed.

The respondents are directed to reinstate the petitioner with all consequential benefits. However, liberty shall be available to the respondents to take fresh appropriate decision in the light of the Division Bench order dated 2.7.1992.”

7. Pursuant to the order dated 06.08.2019, the petitioner was reinstated and gave his joining, but again vide letter no. 6174 dated 08.07.2023 issued by the District Programme Officer (Establishment), Patna, a show cause was



issued to the petitioner to produce document/evidence with regard to the validity of his degree/certificate from the Central Board of Higher Education, New Delhi. The petitioner gave a detailed reply and the same was received on 07.08.2023. Thereafter, another show-cause was issued to the petitioner and after the reply submitted by the petitioner by the impugned order contained in Memo No. 1593 dated 28.09.2024 issued under the signature of the Member Secretary, Block Teachers Employment Unit-Cum-Block Development Officer, Naubatpur, the services of the petitioner was again terminated on the ground that the certificate obtained from the Central Board of Higher Education, New Delhi has been declared to be invalid.

8. A counter affidavit has been filed on behalf of the respondent no.5 i.e. the District Programme Officer (Establishment), Patna wherein stand has been taken that the Central Board of Higher Education, New Delhi has not been recognised by the State of Bihar as a valid institution and the institution has not been included in the list of recognized institution in the State of Bihar, therefore, the degree awarded by the institution is not valid for appointment of teachers, as such the petitioner has rightly been terminated by the concerned Panchayat.



9. The District Programme Officer (Establishment), Patna further relied on an order dated 26.03.2012 passed in C.W.J.C. No. 16124 of 2011, wherein a Co-ordinate Bench of this Court has observed that by a notification issued by the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna, the Secondary Board of Higher Education, New Delhi has been treated to be a fake institution issuing fake degree. The said decision has been affirmed in L.P.A. No. 899 of 2017 vide order dated 18.11.2019.

10. From the perusal of the materials available on the record, I find that no document has been brought on record by the District Programme Officer (Establishment), Patna to show that the degree awarded by the Central Board of Higher Education, New Delhi has been declared to be not recognised by the State of Bihar and the only document which has been brought on record by the District Programme Officer (Establishment), Patna is the orders passed by this Court wherein the degree issued by the Secondary Board of Higher Education, New Delhi has been treated to be fake institution granting fake degree.

11. It appears that the District Programme Officer (Establishment) and the Member Secretary, Block Teachers



Employment Unit-Cum-Block Development Officer, Naubatpur, without verifying that whether both the degrees are same and similar, have issued the impugned order contained in Memo No. 1593 dated 28.09.2024. The degree issued by the Central Board of Higher Education, New Delhi has been treated to be valid degree by the State of Bihar and this fact has been noticed in the earlier writ petition filed by the petitioner i.e. C.W.J.C. No. 6159 of 2016 wherein by order dated 06.08.2019 the Co-ordinate Bench of this Court had allowed the writ petition and quashed the order of termination of the petitioner as well as the letter no. 793 dated 27.11.2012, by giving liberty to take appropriate decision in the light of the Division Bench order dated 02.07.1992. The Member Secretary Block Teachers Employment Unit-Cum-Block Development Officer, Naubatpur, by the impugned order dated 28.09.2024 has again without complying with the directions issued vide order dated 06.08.2019 passed in C.W.J.C. No. 6159 of 2016 terminated the services of the petitioner on the same ground.

12. After going through the documents on records and after hearing the parties, I am of the opinion that the orders impugned have been passed in gross violation of the directions given by a Co-ordinate Bench of this Hon'ble Court in C.W.J.C.



No. 6159 of 2016 and therefore, is liable to be set aside and accordingly is hereby set aside.

13. The petitioner is directed to be reinstated in service forthwith with all consequential benefits. The Director, Primary Education is directed to seek an explanation from the Member Secretary, Block Teachers Employment Unit-Cum-Block Development Officer, Naubatpur that under what circumstances he has again terminated the services of the petitioner on the same letter no. 793 dated 27.11.2012, when the said letter was already quashed by a Co-ordinate Bench of this Court vide order dated 06.08.2019 passed in C.W.J.C. No. 6159 of 2016 and if the Director, Primary Education, Department of Education, Government of Bihar, Patna comes to the conclusion that action of the Member Secretary, Block Teachers Employment Unit-Cum-Block Development Officer, Naubatpur is in violation of the directions contained in order dated 06.08.2019 passed in C.W.J.C. No. 6159 of 2016, then appropriate action be taken against him in accordance with law.

14. Accordingly, the writ petition is allowed with aforementioned observations and directions.

(Ritesh Kumar, J)

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