

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22796 of 2013

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1. Arun Kumar Thakur and Ors Son Of Late Ram Nandan Thakur Resident Of Village And P.O. Athar, P.S. Musahari, District Muzaffarpur
 2. Ranjeet Kumar Son Of Sri Krishnandan Sharma Resident Of Village Nima, P.O. Nadma, P.S. Dhanarua, District Patna
 3. Sunil Kumar Son Of Mr. Rishideo Singh Resident Of Village Dostnagar, P.S. Maner, District Patna
 4. Harendra Patel Son Of Shital Patel Resident Of Village And P.O. Hasanpur, P.S. Mahnar, District Vaishali
 5. Manish Kumar Son Of Late Bijendra Kumar Resident Of Village Bhalua, P.O. Akauna, P.S. Masaurhi, District Patna
 6. Hansraj Son Of Sri Alakhdeo Prasad Resident Of Mohalla Ashoknagar, Road No. 1, P.O. Lohianagar, Kankarbagh, District Patna
 7. Pawan Kumar Sinha Son Of Late Shyam Mohan Prasad Sinha Resident Of Village Lakshminagar, P.O. Gogari, P.S. Gogari, District Khagaria
 8. Sharma Giri Son Of Mr. Swaminath Giri Resident Of Village Dumaria, P.S. Bagaha, District West Champaran
 9. Rakesh Kumar Son Of Mr. Maheshwari Prasad Resident Of Village And P.O. Basahi, P.S. Janta Bazar, District Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna
2. Principal Secretary, Department of Personnel And Administrative Reforms, Government Of Bihar, Patna
3. Registrar Admn, Patna High Court, Patna
4. District And Sessions Judge, West Champaran , Bettia Cum Chairman, Appointment Committee, Civil Court, Bettia
5. Registrar, Judgeship of West Champaran, Bettia

... .. Respondent/s



Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur Vaishnavi Singh Somali Acharya Ritwik Thakur, Advocates
For the State	:	M/s Sita Ram Yadav, GP 16 Jitendra Kumar, AC to GP
For the Patna High Court	:	M/s Ashar Mustafa Anita Kumari, Advocates

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 13-02-2026

1. The petitioners have filed the instant application for the following reliefs:

“For issuance of an appropriate Writ, order or direction for setting aside the order dated 30.10.2013 passed by the Learned District and Sessions Judge cum Chairman, Appointment Committee, Civil Court, Bettia by which he published a notice saying that in the meeting dated 14.10.2013 of appointment Committee of Judgeship and in view of Hon’ble Court letter no.9214/Ad. Misc. dated 2.7.2013 and letter no. 12146/Ad. Misc. dated 18.9.2013 the 14 candidates were not found eligible for appearing in examination for promotion from Class IV to Class III post in which the name of the petitioners are included as well as for setting aside the letter dated 2nd July 2013 issued under the



signature of Registrar (Admin) of the High Court of Judicature at Patna by which it was communicated to the Learned District and Sessions Judge, West Champaran at Bettiah that in view of Rule 10 of Bihar Civil Court Staff (Class III and Class IV) Rule, 2009 the certificate of Sahitya Alankar awarded by Hindi Vidyapeeth, Deoghar is not recognized in respect of appointment of Class III in Civil Court.”

2. The brief facts as culled out from the Writ petition are that under the Bihar Civil Court Staff (Class III and Class IV) Rules, 2009, framed under Article 309 of the Constitution of India, 20% of the vacant Class III posts are reserved for promotion from eligible Class IV employees. As per Rule 8, such promotion is to be made on the basis of merit-cum-seniority from among Class IV employees, possessing the minimum educational qualification and having at least three years' experience. Rule 10 prescribes that for appointment to the posts of Clerk Grade III, Stenographer Grade III and Typist Grade III, the



minimum qualification is B.A./B.Sc./B.Com. or an equivalent degree from a recognized University, with additional weightage for knowledge of computer applications.

3. It is the specific case of the petitioners that each of them have obtained the degree of *Sahitya Alankar* from Hindi Vidyapeeth, Deoghar, with English as one of the subjects, after obtaining due permission from the competent controlling authority, namely the Learned District and Sessions Judge. The petitioners passed the said examination in different years between 1993 and 2008. According to them, the said qualification was, at the relevant time, recognized as equivalent to a Bachelor's degree, subject to the condition that English was one of the subjects.

4. The petitioners relied upon several communications and decisions in support of their claim of equivalence. They referred to memo No. 1593/633 dated 16.04.1994 issued under the signature of the Registrar (Establishment) of this Court stating that the degree of *Sahitya Alankar*



would be treated as equivalent for appointment to Class III posts in the subordinate judiciary. They further relied upon letter No. 170 dated 20.02.2013 issued by the District Education Officer, West Champaran and communications of the Department of Personnel and Administrative Reforms, Government of Bihar (including letters dated 11.01.1991 and 29.07.2006), stating that the degree of *Sahitya Alankar* awarded by Hindi Vidyapeeth, Deoghar is equivalent to B.A., provided English was one of the subjects. Reference has also been made to recognition granted by the Education Council of India, Uttar Pradesh, and certain Board Miscellaneous Rules of the State Government treating the said degree as equivalent to a Bachelor's degree.

5. It has further been pleaded that in the Judgeship of West Champaran, Bettiah, several employees possessing the degree of *Sahitya Alankar* had earlier been promoted from Class IV to Class III posts, including promotions made in the years 1993, 2002 and 2006. According to the



petitioners, no promotion from Class IV to Class III was made after 1999-2000, except a process initiated in 2007 which was later cancelled. In the year 2013, when applications were invited for filling up 20% of the vacant Class III posts by way of promotion, the petitioners applied, being eligible in terms of educational qualification and experience.

6. It is the grievance of the petitioners that, although the District Education Officer, Bettiah had opined that the degree of *Sahitya Alankar* with English as a subject is equivalent to B.A., the Learned District Judge sought clarification from this Court. Thereafter, by letter No. 9214 dated 02.07.2013, the Registrar (Administration) of this Court communicated that the certificate of *Sahitya Alankar* awarded by Hindi Vidyapeeth, Deoghar is not a recognized qualification for appointment to Class III posts in Civil Courts. On the basis of the said communication and a subsequent letter dated 18.09.2013, the Learned District Judge issued notice vide order dated



30.10.2013 holding the petitioners are ineligible and rejected their candidature.

7. The Learned counsel for the petitioners submits that the impugned action is arbitrary and illegal. It is contended that when the petitioners acquired the qualification, the degree of *Sahitya Alankar* was duly recognized as equivalent to B.A., and therefore such recognition cannot be withdrawn retrospectively, to their prejudice. It is further submitted that similarly situated persons were earlier promoted, on the basis of the same qualification, and denial of similar consideration to the petitioners amounts to discrimination.

8. It is also argued that the Bihar Civil Court Staff (Class III and Class IV) Rules, 2009 require a Bachelor's degree or an equivalent degree from a recognized University, and in view of the communications issued by the State authorities recognizing *Sahitya Alankar* as equivalent to B.A. (with English as a subject), the petitioners fulfill the eligibility criteria under Rule 10. According to the Learned counsel, the impugned letters of this Court



have the effect of derecognizing a qualification which was previously accepted and acted upon, without any amendment of the statutory rules or any notification issued by the State Government withdrawing such equivalence.

9. On these grounds, it is submitted that the impugned order dated 30.10.2013 and the communication dated 02.07.2013 are liable to be set aside, and the petitioners are entitled to be considered for promotion to Class III posts in accordance with law.

10. At this juncture, the Learned counsel appearing for the respondents submits that the issue involved in the present Writ petition, namely whether the *Sahitya Alankar* degree is equivalent to a B.A. degree, stands concluded by a Full Bench judgment of this Court reported in **(2019) 3 PLJR 1291 (FB) (Ramashankar Patel & Ors. vs. State of Bihar & Ors.)**. It is submitted that the present matter may be disposed of in terms of the observations and directions contained in the said judgment.



11. Heard Learned counsel for the parties and perused the records.

12. This Court has also carefully gone through the judgment rendered by the Full Bench in **Ramashankar Patel (supra)**. Paragraph 46 of the said judgment reads as under:

“46. In terms of the notification of the General Administration Department as contained in Memo No. 541 dated 11th January, 1991 the Sahityaalankar certificate had got equivalence to the graduation at least prior to 25.08.2008, therefore, those Writ petitioners who obtained their Sahityalankar degree from Hindi Vidyapeeth, Deoghar prior to 25.08.2008 would come within the framework of the notification dated 11th January, 1991 and shall be entitled for consideration for promotion to B.A. (Trained) Scale. By virtue of the notification dated 08.04.2016, the promotions granted between



07.05.2012 and 08.04.2016 have been saved. Further by notification dated 17.04.2017 now even the degree obtained prior to 07.05.2012 and the appointment/promotion granted between 07.05.2012 and 08.04.2016 have been saved. In these circumstances the petitioners no. 4, 7 and 15 shall also be entitled for the benefits because in both cases i.e. notification dated 08.04.2016 and notification dated 17.04.2017 the State respondents cannot contend that while the promotions granted to the persons junior to the petitioners in the gradation list between 07.05.2012 and 08.04.2016 shall be saved, the petitioners would not be entitled for the same. This would be discriminatory because once equivalence granted to Sahityaalankar degree obtained from Hindi Vidyapeeth, Deoghar prior to 07.05.2012 is saved it will save the petitioners who have their



Sahityaalankar degree obtained prior to 07.05.2012. They would be entitled to maintain their position in the seniority list and in case juniors to them have been granted promotion in terms of B.A. (Trained) Scale, these petitioners shall also be entitled for the same from the date their juniors have received the benefit.”

13. After going through the aforesaid Judgment, the Learned counsel for the petitioner also submits that this matter may be disposed of in light of the aforesaid judgment.

14. After going through the aforesaid judgment, the Learned counsel for the petitioners fairly submits that the present Writ petition may also be disposed of in light of the principles laid down by the Full Bench in **Ramashankar Patel (supra)**.

15. Having regard to the submissions made on behalf of the parties and in view of the authoritative pronouncement of the Full Bench of this Court in **Ramashankar Patel (supra)**, the



present Writ petition is disposed of in terms of the observations and directions contained therein.

16. The respondents are directed to examine the case of the petitioners, in accordance with law and to take a reasoned decision in the light of the observations and directions contained in the judgment of the Full Bench passed in **Ramashankar Patel** (*supra*) within a period of three months from the date of receipt/production of a copy of this order.

17. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2026
Transmission Date	

