

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.769 of 2012

In

Civil Writ Jurisdiction Case No. 14203 of 2011

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1. Jagannath Sahani S/O Sri Indradeo Sahani Resident Of Village Nonahi, P.S. Parhar, Distt. Sitamarhi
 2. Punam Kumari D/O Sri Satya Narayan Mandal, W/O Sri Devendra Prasad Resident Of Village Haribela, P.S. Bathnaha, Distt. Sitamarhi

.... Appellant/s

Versus

1. The State Of Bihar Through The Secretary, Govt. Of Bihar, Human Resources Development Department, (Now Deptt. Of Education), New Secretariat, Bailey Road, Patna
2. The Secretary-Cum-Commissioner, Human Resources Development Department, Govt. Of Bihar, New Secretariat, Bailey Road, Patna
3. The District Magistrate, Sitamarhi At Sitamarhi
4. The District Superintendent Of Education-Cum District Program Officer, Sitamarhi At Sitamarhi
5. The Block Development Officer, Sonbarsa, Distt. Sitamarhi
6. The Block Education Extension Officer, Sonbarsa, Distt. Sitamarhi
7. The Block Education Officer, Sonbarsa, Distt. Sitamarhi
8. The Headmaster, Middle School, Lohkhar, Sonbarsa, District Sitamarhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Pd Singh No.1
For the Respondent/s : Mr. Tej Bahadur Singh Aag7

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CORAM: HONOURABLE MR. JUSTICE NAVIN SINHA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVIN SINHA)

3 03-10-2013 Heard learned counsel for the appellants and the State.

The present appeal arises from order dated 27.3.2012 dismissing C.W.J.C. No.14203/11 holding that the qualification of the appellants from the Secondary Board of Higher Education, Delhi was fake as the institution was not recognized by the State Government under order dated


29.4.2011.

Learned counsel for the appellants submits that it was their specific case in the writ application that their educational qualifications were from the Board of Higher Secondary Education, Delhi which is a certified institution confirmed by Under Secretary to Government of India dated 29.6.2009 and that qualifications from it were recognized for employment under central/State Government/Union Territory Government/Administration and for education/higher education in Indian Board/Universities.

It is the further case of the appellants that others with similar qualification from the Board of Higher Secondary Education, Delhi, terminated by the same order are in service.

By a misappreciation the appellants have been held to have acquired qualifications from an unrecognized institution, i.e. Secondary Board of Higher Education, New Delhi leading to their termination from the post of Panchayat Teacher by order dated 11.7.2011.

Learned counsel for the State submits that neither in the writ petition nor in the memo of appeal any documentary evidence has been annexed in support of the claim that they hold their education qualifications from the Board of Higher Secondary Education, Delhi and not from the Secondary Board of Higher Education, New Delhi.



The Government order dated 29.4.2011 at item No.8 declines to recognize educational qualifications from the Secondary Board of Higher Education, New Delhi. The letter does not mention the Board of Higher Secondary Education, Delhi as an unrecognized Institution.

In the nature of the claim made by the appellants that their educational qualifications were from the Board of Higher Secondary Education, Delhi, we are satisfied that the learned Single Judge in haste committed an error of record by classifying the appellants as persons who have obtained their educational qualifications from the Secondary Board of Higher Education, New Delhi. It does not appear that the respondents in their counter affidavit had raised any contention with regard to, the institution from which the appellants claim to have obtained their qualifications.

We therefore set aside the order under appeal.

The validity of the termination order dated 11.7.2011 shall be considered by the State authorities after the appellants produce documentary evidence by way of their educational certificates in support of the assertion that it is from the Board of Higher Secondary Education, Delhi and not from the Secondary Board of Higher Education, New Delhi to the satisfaction of the respondents.

We accept the submission on behalf of the respondents that the appellants must produce such evidence

within a maximum period of six weeks from today failing which the respondents shall be under no obligation to consider the same.

The appeal stands allowed with the aforesaid observation.

(Navin Sinha, J)

(Vikash Jain, J)

K.C.jha/-