
(2013) 02 PAT CK 0081
In the Patna High Court
Case No : CWJC No. 816 of 2010

Chandra Shekhar Mahto

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 25-02-2013

Acts Referred:

Citation : (2013) 2 PLJR 908

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Advocate : M.P. Shukla, for the Appellant; J.P. Karn GA-2, for the Respondent

Final Decision : Dismissed

Judgement

Ajay Kr. Tripathi, J.—The crux of the issue raised in the present writ application is whether the so-called degree of Shiksha Visharad, which is said to be equivalent to graduation degree with training according to the stand of the petitioner, can beget him the benefit which he is looking for. Petitioner is challenging Annexure-1 by virtue of which his appointment in Project Girls High School, Khodabandpur, in the district of Begusarai has been held to be invalid on the ground that the said degree is not a recognized degree. This order has been passed by the Director and is Annexure-1 to the writ application which is under challenge.

2. Attention of the Court has been drawn to a decision rendered by the learned single Judge in Annexure-1/A as well as few other decisions wherein certain degrees issued by the said institution have been held to be good enough provided it was issued prior to coming of the National Council of Teachers Education Act.

3. This Court would have had no problem in accepting some of those decisions which have been rendered by the learned single Judges provided there was no judgment on this issue by the Highest Court of the land. This Court cannot ignore what had been decided by the Hon'ble Apex Court in the case of Rajasthan

Pradesh V.S. Sardarshahar and Another Vs. Union of India (UOI) and Others, .

4. This Court is not required to go page after pages of the said decision where the entire history of this institution known as Hindi Sahitya Sammelan, Prayag/Allahabad has been dealt with in quite a detail by the Hon''ble Apex Court. The Court has crystallized the status of this institution and the degree which is being issued by them in para 51, which is reproduced hereinbelow:--

51. At the cost of repetition, it may be pertinent to mention here that in view of the above, we have reached to the following inescapable conclusions:--

(I) Hindi Sahitya Sammelan is neither a University/deemed University nor an educational board.

(II) It is a society registered under the Societies Registration Act, 1860.

(III) It is not an educational institution imparting education in any subject inasmuch as Ayurveda or any other branch of medical field.

(IV) No school/college imparting education in any subject is affiliated to it. Nor Hindi Sahitya Sammelan is affiliated to any University/Board.

(V)....

(VI)....

(VII)....

(VIII)....

(IX)....

(X)....

5. If this is what the Hon''ble Supreme Court has said about the institution from where petitioner has begotten some kind of a degree then the Director has committed no wrong in saying that it is a degree not recognized. Petitioner can only draw advantage of a degree of any higher learning provided the State concerned recognizes such degree of any value.

6. Since the status of Hindi Sahitya Sammelan has been so succinctly put by the Hon''ble Apex Court, obviously, the petitioner is trying to raise an issue which is a non-issue at least after rendering of the decision by the Hon''ble Apex Court.

7. In view of the above, any decisions which are being relied upon by the learned counsel for the petitioner, rendered by any Bench of this Court, are per incuriam, which have not taken every aspect of the issue in relation to the establishment and otherwise of the kind of degrees which are being imparted or sold by such institution. Writ has no merit. It is dismissed.