

(2012) 03 PAT CK 0144

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 14203 of 2011

Jagannath Sahani and Another

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Citation : (2013) LabIC 294 : (2013) 2 PLJR 916

Hon'ble Judges : Ajay Kumar, J

Bench : Single Bench

Advocate : Arun Kumar Arun, for the Appellant; Tej Bahadur Singh, AAG., for the Respondent

Final Decision : Dismissed

Judgement

Ajay Kumar, J.—By virtue of the order contained in Annexure-10 dated 11.7.2011 the Block Development Officer ordered removal of not only the two petitioners but ten other persons from the post of Prakhanda Teachers on the ground that they did not hold valid degree from recognized institution or University in this regard. This decision is being dubbed by the petitioner as being illegal and in violation of principle of natural justice. The contention of the counsel for the petitioners is that the Secondary Board of Higher Education, Delhi is a recognized institution and has authority to issue certificates for Intermediate etc. and in this regard evidence in support thereof has been brought as Annexure-12 and 13. If that be so, then the finding that the two petitioners did not have valid educational degrees for appointment as a Prakhanda teacher gets negated and the decision for their removal requires to be quashed. If the petitioners had been given opportunity to show-cause they would have established their bona fide.

2. Counter-affidavit came to be filed on behalf of the State. Their stand is that the Block Development Officer has not acted independently on the issue but has responded to the situation on the basis of direction of the superiors, based on letter No. 998 dated 5.8.2010 issued under the signature of Principal Secretary, Human Resources Development Department, Government of Bihar. The letter

includes list of eight institutions which show that they are fake institutions and the degrees issued by them are not to be given any weightage or recognition. The said letter has been annexed as Annexure-A to the counter-affidavit. The name of the institution namely, Secondary Board of Higher Education, New Delhi is included. Therefore, the only corollary is that an invalid piece of degree can never form the basis for continuance in service even though there could have been some confusion initially in their selection based on the degree issued by a similar sounding institution like the Secondary Board of Higher Education.

3. So far as Annexure-12 and 13 are concerned, they do not relate to the State of Bihar. The so-called letters issued by Government of India cannot be appreciated in the present context because appointment of the petitioners was under State of Bihar and the State of Bihar after due enquiry and verification issued a circular showing the list of institutions which are offering fake degrees, based on which students are trying to obtain employment and had obtained employment. This Court has had occasions to hear such kind of cases and from kinds of materials which have emerged in those litigations no recognition has been shown in the list of institutions which are authorized in this country to impart education at higher secondary level. This is a fake and fraudulent institution which is indulging in selling fake degrees by using the name which is similar to Central Board of Secondary Education.

4. In matter of public employment and that too as a teacher the authenticity of the degree is of primary importance. A counterfeit degree cannot form the basis for being appointed as a teacher under the State. Since the State has already done its home work and issued list of institutions which are fake and their degrees cannot be recognized for employment under the State, petitioners have no case for interference with Annexure-10.

5. There is no denial by the petitioners that the degrees of Intermediate which they are flaunting are from the institution which has been shown to be a fake institution having no valid recognition and therefore their removal seems to be in order and no interference is required.

6. On the contention of the learned counsel for the petitioners that they are entitled to notice before such order came to be passed, this Court can only say and hold that such an opportunity given to the petitioners even at the level of the writ Court, does not turn in favour of the petitioners because the basic fact that they are holders of degree from an institution not recognized by the State Government is a fact which goes to the root of the matter and therefore, the principle of natural justice cannot be extended and stretched in every situation. This Court has given ample opportunity to the petitioners to establish their bone fide in the face of Annexure-A but with due regard they have failed to remove the taint or the cloud over the institution and the degree. Writ has no merit. It is dismissed.