

(2008) 06 PAT CK 0044
In the Patna High Court
Case No : CWJC No's. 4007 of 2007

Manoj Kumar Yadav and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 30-06-2008

Acts Referred:

University Grants Commission Act, 1956 — Section 3

Citation : (2008) 3 PLJR 506

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Advocate : Tarakant Jha, Rajendra Prasad Singh, Ganesh Prasad Singh and Umesh Kumar Mishra, for the Appellant; Ram Chandra Pd. Bharti for the State and Mr. S.N. Pathak for the NCTE, for the Respondent

Final Decision : Allowed

Judgement

Navin Sinha, J.—Heard learned counsel for the petitioners and learned counsel for the State. CWJC No. 4007 of 2007 and CWJC No. 13367 of 2007 were first taken up for consideration together, when counsel for the petitioner and the State made their respective submissions.

2. After submissions were concluded, learned counsel for other writ petitions submitted that their case was covered by the issue argued and discussed in the aforesaid two writ applications and that their writ petitions may be also disposed off by this common order. This Court, therefore, proceed on the basis of the submission of the learned counsel in other writ applications that the issues were similar to that in CWJC No. 4007 of 2007 and CWJC No. 13367 of 2007.

3. The controversy in these writ applications relates to the qualifications acquired from Hindi Sahitya Sammelan, Allahabad in the State of Uttar Pradesh and on the basis of which the petitioners were initially appointed on different posts of teachers under the statutory Rules framed by the State Government in this regard in 2006. Subsequently, orders for termination of their services have been

issued on the premise that Hindi Sahitya Sammelan, Allahabad was not a recognized institution. An additional ground has also been urged that the order of termination is in violation of the principles of natural justice.

4. It appears that a batch of writ applications led by CWJC No. 12635 of 2006 came to be dismissed by a Bench of this Court on 8.12.2006 Reported in 2007(2) PLJR 641 noticing that the degree of Shiksha Visharad granted by Hindi Sahitya Sammelan, Prayag, Allahabad was not recognized by post NCTE Act i.e. 17.8.1995 or either before it. This Court is informed that in Letters Patent Appeal against the same, the matter has been remanded to the authorities.

5. In CWJC No. 13367 of 2007, Annexure-13 appended to IA. No. 6819 of 2007 contains a list of deemed University u/s 3 of the U.G.C. Act issued by the Department of Personnel and Administrative Reforms, Government of India, New Delhi. The name of Hindi Sahitya Sammelan, Prayag, Allahabad finds place at serial 84. This aspect of the matter does not appear to have come up for consideration in CWJC No. 12635 of 2006 as the same finds no discussion therein.

6. In today's world with internet facility available providing plethora of information, this Court would have expected the State Government authorities to act more scientifically and do their home work before taking such action which has wide ramification.

7. No counter affidavit has been filed in CWJC No. 13367 of 2007 though when the matter was taken up, prayer has been made for adjournment for the purpose. This Court does not consider it necessary to adjourn the matter for the same in view of Annexure-13 as noticed above.

8. Writ applications are. therefore, allowed. Impugned orders are set aside and the matter is remanded to Respondent No. 2 to examine the matter afresh and take a decision in accordance with law within a period of two months from the date of receipt and/or production of a copy of this order. Needless to state that all consequential action shall have to be passed on such decision that may be taken by Respondent No. 2 in light of the materials noticed above.