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**(2011) 04 PAT CK 0013**  
**In the Patna High Court**  
**Case No : CWJC No. 14304 of 2010**

Rajiv Ranjan and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision :** 18-04-2011

**Acts Referred:**

Constitution of India, 1950 — Article 14, 19(1), 19(6)

**Citation :** (2012) 1 PLJR 283

**Hon'ble Judges :** Ajay Kr. Tripathi, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Ajay Kr. Tripathi, J.—Heard learned counsel for the parties. This writ application has been filed for a direction upon the respondents to issue appointment letters in favour of the petitioners because according to them counselling has been held and they were otherwise found eligible for appointment. Learned counsel for the petitioners fairly submits that they have training degree from Gandhi Hindi Vidya Pith, Prayag, Allahabad and in the light of the decision of learned Single Judge contained in Annexure-4 they have a right for appointment.

2. The issue is no longer res Integra in the sense that real worth or the validity of a degree issued by Prayag Vidya Pith has been declared by a Division Bench of this Court which is the case of The State of Bihar & Others vs. Mamta Kumari reported in 2010(4) PLJR 318. The Division Bench had this to say in paragraph 18.

Para 18; In view of the aforesaid clear order of the subsequent Division Bench in the case of Surendra Prasad (supra) holding that the examination conducted by Hindi Sahitya Sammelan, Allahabad was never recognized much less treated to be equivalent by the State of Bihar, we can say with sense of certainty that qualification of Madhyama (Visharad) from the Hindi Sahitya Sammelan, Allahabad was never recognized to be equivalent to the qualification of

Intermediate by the State of Bihar and if on that basis alone, the respondent writ petitioners had obtained their appointment, the same will have to be held as void ab initio, inasmuch as, it is well settled if the candidate did not possess the requisite qualification such appointments would liable to be set aside. To that extent, reliance placed by learned counsel for the State on the judgment of Apex Court in the case of Dr. Ganga Prasad Verma (supra) as also Bir Singh (supra) seems to be apt and appropriate.

3. The opinion of Hon"ble Supreme Court in the case of Rajasthan Pradesh Vaidya Samiti, Sardarshahar & Another vs. The Union of India & Others reported in 2010(12) SCC 609 on the issue has been crystallized in paragraph 51 which is hereunder:

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

(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) Hindi Sahitya Sammelan has got no recognition from the statutory authority after 1967. No attempt had ever been made by the Society to get recognition as required u/s 14 of the 1970 Act and further did not seek modification of Entry 105 in Schedule-II to the 1970 Act.

(VI) Hindi Sahitya Sammelan only conducts examinations without verifying as to whether the candidate has some elementary/basic education or has attended classes in ayurveda in any recognized college.

(VII) After commencement of the 1970 Act, a person not possessing the qualifications prescribed in Schedules-II, III and IV to the 1970 Act is not entitled to practice.

(VIII) Mere inclusion of the name of a person in the State Register maintained under State Act is not enough for making him eligible to practise.

(IX) The right to practise under Article 19(1)(g) of the Constitution is not absolute and thus subject to reasonable restrictions as provided under Article 19(6) of the Constitution.

(X) Restriction on practise without possessing the requisite qualifications prescribed in Schedules-II, III and IV to the 1970 Act is not violative of Article 14 or ultra vires to any of the provisions of the State Act.

4. With the status of degree awarded by such an institution having been declared void ab initio in so many words in the above two decisions, obviously it is an ill-advised writ petition which has been filed by the petitioners seeking direction for their appointments. They cannot be appointed on the basis of the degrees which has no value in the eye of law.

5. So far as the submission of learned counsel that there are many persons working as Panchayat teachers on the basis of such degree, the Court can only observe that the petitioners have freedom to act as whistle-blowers and draw a list of such persons and bring it to the notice of the State Government, for them to check. This writ application has no merit and it is dismissed.