

(2012) 03 PAT CK 0149
In the Patna High Court
Case No : CWJC No. 14830 of 2011

Shanker Mahto and Another

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-03-2012

Acts Referred:

Citation : (2013) 2 PLJR 20

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Advocate : Pramod Kumar Mallick, for the Appellant; Kumar Sachin, for the Respondent

Final Decision : Dismissed

Judgement

Ajay Kr. Tripathi, J.—Heard learned counsel for the parties. Merely because the Maulvi, Up-Shastri or Vocational Course were given equivalence to intermediate degree, it does not mean that they have acquired knowledge and skill to be appointed in any capacity as a teacher in the Gram Panchayat or block. Their degrees are based on special acquisition of skill and knowledge, therefore, any appointment made on this degree would co-relate to the area of their subjects and learning.

2. Since Up-Shastri is an issue in the present writ application and the petitioners have obtained degrees in Sanskrit, therefore, the equivalence may be read to mean that if there is vacancy and requirement for appointment on the post of Sanskrit teacher, the Up-Shastri degree will be treated to be equivalent and appointment can be made only to such posts. But merely because equivalence has been given, it does not mean that such a person can be jack of all trades for imparting teaching in every subject, once appointed as teacher in Gram Panchayat or block.

3. In the present case the petitioners have been removed after their initial appointments or engagements on the ground that they are holders of Up-Shastri

degree. The State has justified such a decision on the basis of the circular issued by the Principal Secretary, Higher Education, Government of Bihar which is Annexure-A to the counter affidavit. The circular categorically states that since there are no posts available in the primary schools for the persons having skill acquired under Maulvi, Up-Shastri or Vocational Course degrees, no appointment on the post of teacher can be made merely on equivalence unless the vacancies are with regard to Urdu teachers, Sanskrit teacher or Vocational course teachers.

4. The decision to remove the petitioners from the post therefore is based on sound, cogent and rational reason taken by the State for the benefit of the students who are to be imparted teaching in the said schools. The decision is based on the circular which clarifies that merely because they have acquired degree equivalent to intermediate, they cannot become master of all subjects. Therefore, the respondents have rightly restricted their appointments to such posts for which they have acquired knowledge and degrees and not for other subjects.

5. The circular of the Principal Secretary, Human Resources Department, Government of Bihar issued vide memo no. 4240 dated 15.11.2007 should be enforced strictly in interest of maintaining standards in teaching and primary education in the State.

6. Let a copy of the order be marked to the Principal Secretary, Human Resources Department, Government of Bihar for information and follow up. This writ application has no merit and it is dismissed.