
(2016) 04 PAT CK 0148

In the Patna High Court

Case No : Letters Patent Appeal No. 1162 of 2010 in CWJC No. 16889 of 2008

State of Bihar

APPELLANT

Vs

Rita Kumari

RESPONDENT

Date of Decision : 18-04-2016

Acts Referred:

Citation : (2016) 3 PLJR 905

Hon'ble Judges : Mr. Navaniti Prasad Singh and Smt. Nilu Agrawal, JJ.

Bench : Division Bench

Advocate : Mr. Ravi Verma, AC-GP15, for the Appellant; Mr. Umesh Kumar Mishra, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Mr. Navaniti Prasad Singh, J.(Oral)—The question in this intra court appeal filed by the State is whether Baby Teacher's Certificate (B.T.C.) ? (not to be confused as Basic Teaching Course) granted by Gandhi Hindi Vidyapeeth, Prayag, Allahabad (U.P.) can be treated as valid for the purposes of recruitment as trained teachers in Panchayat.

2. The learned Single Judge took the view that prior to 1995, when All India Council for Technical Education came into being, recognition of Teachers Training Institutes was not required and that being so, the certificate of the writ petitioner-respondent being prior to 1995 was valid.

3. In our view, the learned Single Judge misconstrued the question. Admittedly and un-disputedly Gandhi Hindi Vidyapeeth, Prayag, Allahabad (U.P.) is neither a statutorily created body, nor a statutory body nor a body affiliated to any statutory Board or body , nor even it is a public body. In other words, it is a private body. It is granting Baby Teacher's Certificate on its own and it is not regulated by any statutory authority or an authority having statutory force. On these facts, it is clear that unless it is recognised by the State Government either for the purposes of employment in Government service or is equivalent to any

other recognised degree or certificate, it cannot be recognised for the purpose of giving jobs or employment as a trained teacher. Any certificate issued by any Tom, Dick and Harry cannot be used for the purposes of securing any position in the Government unless it is so recognised by the State Government. So far as Baby Teacher's Training Course, Gandhi Hindi Vidyapeeth, Prayag, Allahabad (U.P.) is concerned it has never been granted any recognition by the State Government as a valid course equivalent to Basic Teaching Course. This is the view also of the earlier Division Bench in the case of Sanjiv Kumar and others v. State of Bihar and others in L.P.A. No. 387 of 2009 disposed of on 17.04.2009. This judgment being binding precedent, the learned Single Judge in the judgment under appeal passed the judgment in ignorance thereof. The learned Single Judge disposed of group of writ applications by the judgment and order dated 16.09.2009 without noticing the binding precedent.

4. Thus, we have no option but to set aside the order of the learned Single Judge. This Court holds that Gandhi Hindi Vidyapeet, Prayag, Allahabad (U.P.) for its Baby Teacher's Training Course has not been granted any recognition nor does it have equivalence to Basic Teaching Course, the required qualification for trained teachers. The State never recognised the said Institution as such and this Court has always held so.

5. Therefore, the appeal is allowed. The judgment dated 16.09.2009 passed by the learned Single Judge in C.W.J.C. No. 16889 of 2008 and other analogous cases is set aside. The writ applications are dismissed.

6. It is needless to say that if any amount has been paid for the work done by the contesting respondents for the period they had worked, no recovery shall be made.