

(2016) 07 PAT CK 0119

In the Patna High Court

Case No : Letters Patent Appeal No.1109 of 2013 in Civil Writ Jurisdiction Case
No. 14088 of 2012

State of Bihar

APPELLANT

Vs

Subhash Mohan Mishra

RESPONDENT

Date of Decision : 21-07-2016

Acts Referred:

Citation : (2016) 4 PLJR 640

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

Bench : Division Bench

Advocate : Mr. Madhav Jha, Advocate, for the Respondents; Mr. Pushkar Narain Shahi, Senior Advocate, AAG-10 and Mr. Sanjeet Kr. Singh, Advocate, for the Appellants

Final Decision : Dismissed

Judgement

Mr. Navaniti Prasad Singh, J.(Oral) - This intra-court appeal has been preferred by the State being aggrieved by the judgment of the learned Single Judge dated 08.10.2012, passed in C.W.J.C. No. 14088 of 2012 (Subhash Mohan Mishra and others v. The State of Bihar and others) by which the learned Single Judge has held that the degree of Acharya granted by Kameshwar Singh Darbhanga Sanskrit University (for short the University) is equivalent to post-graduation i.e. M.A.

2. Heard Sri P.N. Shahi, AAG-X in support of the appeal and Sri Madhav Jha for the respondents-writ petitioners and with their consent we are disposing of this appeal at this stage itself.

3. Having examined the judgment of the learned Single Judge we are not in doubt that the learned Single Judge was correct in holding that the Acharya degree granted by the University is equivalent to M.A. Whatever confusion there was, it was because of the State Government circular of the year 1963 where Acharya was shown as equivalent to graduation. This was soon followed by

circular dated 23.01.1964 issued by the Government of India in the Ministry of Education dealing with its equivalence with various other courses. This included the degree of Acharya granted by the University as it was then known and it was clearly stated by the Central Government that Acharya would be equivalent to post-graduation i.e. M.A. This position has since then been clarified by the University in its communication dated 02.05.1989.

4. In that view of the matter, we find no scope for interference with the judgment and order of the learned Single Judge. However, so far as inter-se seniority is concerned, we leave it open to the State Government to formulate principles and rules for determining the same and it would be open to them to apply the same in accordance with law.

5. With the observation aforesaid, this appeal is dismissed.