

(2011) 05 PAT CK 0082

In the Patna High Court

Case No : Letters Patent Appeal No. 277 of 2007

The State of Bihar, The Commissioner-Cum-Secretary,
Human Resources Development Department (Education) and
The Director, Research and Training, Govt. of Bihar

APPELLANT

Vs

Bindu Kumari and Others

RESPONDENT

Date of Decision : 02-05-2011

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2011) 4 PLJR 157

Hon'ble Judges : T. Meena Kumari, J;Akhilesh Chandra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

T. Meena Kumari and Akhilesh Chandra, JJ.—The present Letters Patent Appeal is filed against the order of the learned single Judge passed in C.W.J.C. No. 13224 of 2006 dated 12th December, 2006 by the State Government.

2. The main contention before the learned single Judge by the Respondents herein was that they were the students who were appearing for Primary Teachers Training examination for the Sessions 1985-87 and 1986-88 from Arajkiya Khwaja Shahid Hussain Primary Teachers Training College, Nista, Katihar. On earlier occasion the students have approached this Court with regard to grant of permission to appear in the examination for the Sessions 1985-87 and also 1986-88 but the permission to appear in the examination was refused. After approaching the High Court when they failed, they approached the Supreme Court in SLP(C) No. 12014 of 1987 and the Apex Court by order dated 25th November, 1987 directed the Bihar School Examination Board to consider permitting the students to appear in the examination for the Sessions 1985-87 and also to accept necessary forms and fees etc. without charging late fee and for the students for the Sessions 1986-88 the same terms were allowed. The said direction was acted upon by the Bihar School Examination Board. Subsequently,

the State Government has taken decision and issued letter No. 465 dated 28th September, 1994 granting permanent recognition to the Institution treating it as a minority Institution out of which the name of the Respondents Institution is shown at serial No. 10. When the cancellation of the permanent recognition of the Institution was done in 1999 results of the students who appeared for the Sessions 1985-87 and 1986-88 have been published. When the appointments on the post of Assistant Teachers were sought by the students for the Sessions 1985-87 and 1986-88, the appointing authorities have started derecognising their decrees on the ground that the permanent recognition of their Institution has been cancelled, the Petitioners, herein Respondents, have approached this Court.

3. It has been contended before the learned single Judge that the State Government has chosen to pass orders derecognising the Institution, cancelling the recognition from 1999 onward. The learned single Judge had gone into the contentions of both sides and observed that the State Government has, in some cases, chosen to cancel the certificates and also the results of the Respondents Institution. In view of the said position, the learned single Judge has observed that it is the conscious application of mind by the State Government on these issues and by implication it must be held that the examination and result of the students who appeared in these two Sessions had not been cancelled by the State Government. It has also been further observed by the learned single Judge that it is not open to the appointing authorities to say that they will not take into consideration the certificate of those Institutions which had been derecognised as such students who have appeared from the training College in question in the Sessions 1985-87 and 1986-88 are concerned. They cannot be treated by the appointing authority as coming from a derecognised Institution and also further held that such action by the appointing authority would definitely be violative of Articles 14 and 16 of the Constitution of India. The learned single Judge has also observed that the permanent recognition was in existence up to 1999 when the State Government has chosen to cancel the same and the fact remains, firstly, that the permanent recognition had been granted on 28th September, 1994 and subsequently it was cancelled in 1999 and the same was in existence till 16th December, 1999. The contention of the State Government that the students who appeared from such Institutions by virtue of such recognition cannot be considered for the simple reason that even the permanent recognition was in existence up to the year 1999. It is observed by the learned single Judge that there is no material put before the State Government also to cancel the result of the Institution in question.

4. In view of the observation of the learned single Judge and also as observed by the Apex Court in SLP (C) No. 12014 of 1987, the impugned order need no interference. Accordingly, the Letters Patent Appeal is dismissed.