

GP-22
13.7.12

In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No. _____ of 2013.

Radhe Shyam MandalPetitioner

Versus

The State of Bihar and others.....Respondents.

Subject:-Promotion Matter (School Service) Non-Gazetted.

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-/o/-

In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No._____ of 2013.

Radhe Shyam Mandal Petitioner

Versus

The State of Bihar and others..... Respondents.

-: SYNOPSIS :-

This is an application for direction to the Respondents to give Matric Trained Scale to the petitioner since 1997 as petitioner posted B.Ed.Exam.in 1997 and to give promotion in B.A.Trained scale w.e.f.14.7.2012.

28.8.1994
Annexure-1
PARA-3

Petitioner was appointed as Assistant Teacher in Matric untrained scale on recommendation of B.P.S.C.

1997
PARA-4
Annexure-2

Petitioner passed B.Ed.Exam.from Muslim Minority Ahmadiya B.Ed.College, Rampara, Katihar.

PARA-5

Petitioner is entitled for Matric Trained Scale since 1997 but he was not given the same.

19.5.2000
PARA-9

Degree, Marksheet, result of B.Ed.have been cancelled.

5.1.2007
PARA-11

Hon'ble Division Bench set aside aforesaid Notification in L.P.A.No.6553 of 2001.

22.8.2008
PARA-13
Annexure-4

S.L.P.was filed before Hon'ble Apex Court by State of Bihar

(11)

in which Judgement passed in L.P.A. has been stayed.

- PARA-14 I.A. in aforesaid S.L.P. has been filed for vacating the stay order.
- 19.2.2010 Hon'ble Apex Court directed to consider the Degree of those
PARA-15 students who passed prior to 19.5.2000.
Annexure-5
- 6.9.2010 Hon'ble Single Judge incase of Dwarika Prasad directed to
Annexure-6 consider the degree of that Colleegein appointment of
PARA-15 Assistant Teacher.
- 18.1.2011 Director, Research and Training directed to do necessary
PARA-17 action in the light of Hon'ble High Court direction.
Annexure-7
- 20/1.2011 Principal Secretary of Human Resources Department issued
PARA-18 direction that B.Ed. Degree of Muslim Minority Ahmadiya B.Ed.
Annexure-8 College, Rampara, Katihar will be accepted in Selection of Teacher.
- 2012 In the year 2012 promotional Committee prepared a list of Teachers who passed B.Ed. but name of petitioner was left out
- 13.6.2012 Petitioner made objection before Respondent authority to include his name but he was informed that he passed B.Ed. from unrecognized institution.
- 8.10.2012 In similar matter in case of Subhash Kumer was given
Annexure-9 promotion in Matric Trained Scale.
PARA-20

Hence, this Writ application.

285

GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.

भारत



INDIA

B.K. Singh

STAMP DUTY

00000

बिहार
JUDICIAL



INDIA

375448

BIHAR

..Zero*Zero*Zero*Zero*Two*EightFive...

COURT FEE

375448
Authorization No. 2674

5750 47 516

Handwritten notes:
B.K. Singh
B.K. Singh
A.C.R. No. 05629
13.3.2013

In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No. _____ of 2013.

In the matter of an
application under Article
226 of the Constitution of
India.

AND

In the matter of :-

Radhe Shyam Mandal, Son of Mishri Lal Mandal,
Resident of Village and Post Office-Ghailarh, Via
Panchgachhiya, District-Madhepura.

.... Petitioner.

Versus

1. The State of Bihar.

2. Principal Secretary, Human Resources Development
Department, Government of Bihar, Patna.
2. Director, Primary Education, Government of Bihar, Patna.
4. District Programme Officer (Establishment), Madhepura.
5. District Education Officer, Madhepura.

..... Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit,
the Chief Justice of the High Court of
Judicature at Patna and her Companion
Justices of the said Hon'ble Court.

The humble petition on
behalf of the petitioner
above named;

Most Respectfully Sheweth :-

1. That this is an application for issuance
of an appropriate writ in the nature of Mandamus direction
to the Respondents to give Matric Trained scale to the

petitioner since 1997 as petitioner passed B.Ed.Exam. in the year 1997 and to give promotion in B.A.Trained scale w.e.f. 14.7.2012 and the others or any other appropriate writ, order save and except in accordance with law.

2. That the petitioner is the citizen of India and lives within territorial jurisdiction of this Hon'ble Court.

3. That the petitioner was appointed on the post of Assistant Teacher in the Matric untrained Scale by District Superintendent of Education, Madhepura vide order dated 28.8.1994 on the recommendation of Bihar Public Service Commission and he was posted at Primary School, Rampur Dehree Anchal Udakishunganj East, thereafter the petitioner was posted at Primary School, Babhan (Balak) Anchal Singheshwar West.

A true copy of the order

dated 28.8.1994 is annexed

herewith and marked as Annexure

'1' to this application.

4. That the petitioner passed B.Ed. Exam. held in February 1997 from Muslim Minority Ahmadiya B.Ed. College Rampara, Katihar under B.N.Mandal University, Madhepura.

A true copy of Marksheet

is annexed herewith and marked

as Annexure-'2' to this appli-

cation.

5. That the petitioner has passed B.Ed.Exam. in the year 1997, hence he is entitled for Matric Trained scale since 1997 but petitioner was not given the same in spite of representation given by the petitioner.

6. That in the year 2012 there was Notification issued by Human Resources Department Government of Bihar, Patna giving direction to all District Education Officer to give promotion to the Assistant Teacher in

B.Sc./B.A. Trained Scale who possessed B.Ed.Degree.

7. That as per direction of Respondent higher authority the promotional Committee prepared a list of those teachers who passed B.Ed. Exam. for promotion in B.A./B.Sc.Trained Scale and recommended their names but they have left the name of petitioner.

8. That on 13.6.2012 the petitioner made objection before Respondent authority to include his name in promotional list as he passed B.Ed. in the year 1997, the petitioner was given knowledge orally that petitioner has taken B.Ed.degree from unrecognized institution i.e. Muslim Minority Ahmadia B.Ed.College, Rampara, Katihar and due to this reason he has not given promotion.

A true copy of the represen-

dated 13.6.2012
tion is annexed herewith and

marked as Annexure-'3' to this

application.

9. That it is submitted that vide Notification dated 19.5.2000 issued by Registrar, B.N.Mandal University, Madhepura the Degree Marksheet, result of B.Ed. of Students of Muslim Minority Ahmadiya B.Ed. College, Rampara, Katihar have been cancelled.

10. That being aggrieved with aforesaid Notification a large number of students filed several writ petitions before Hon'ble Patna High Court which were dismissed by Hon'ble Single Judge by common order.

11. That being aggrieved with the Judgement of Hon'ble Single Judge several candidates filed several appeals before Hon'ble Division Bench bearing L.P.A.No.453 of 2001 and other analogous cases and same were allowed by Hon'ble Division Bench of Patna High Court vide order dated 5.1.2007 and set aside the Notification dated 19.5.2000.

12. That the University being aggrieved with

aforesaid Judgement filed S.L.P.(Civil)No.7233 of 2007) alongwith other 15 S.L.P. which were heard by the Bench of Hon'ble Apex Court on 30.4.2007 in which notices were issued to the parties and no stay has been granted.

13. That after more than one and half year the State Government filed S.L.P.(Civil) No. 21636 of 2008 before Hon'ble Apex Court and vide order dated 22.8.2008 Hon'ble Apex Court vide order dated 22.8.2008 has been pleased to stay the impugned Judgement of L.P.A.Court until further order and issue notice to parties.

A true copy of order dated 22.8.2008 is annexed herewith and marked as Annexure-'4' to this application.

14. That some of the aggrieved candidates filed I.A. in S.L.P.No.21634 of 2008 before Hon'ble

Apex Court for vacating the stay order dated 22.08.2008.

15. That Hon'ble Apex Court vide order dated 19.2.2010 passed an order that "the applicant is seeking interim direction of the order passed on 22.8.2008, we clarify that the recommendation was withdrawn on 19.5.2000 and we make it clear that withdrawal of these recommendation shall not affect the students who had already passed out of the recognized University prior to this date.

A true copy of order dated 19.2.2010 is annexed herewith and marked as Annexure-'5' to this application.

16. That in similar matter the Hon'ble Court in C.W.J.C.No.682 of 2010 Dwarika Prasad vide order dated 6.9.2010 directed the Respondent authorities to consider degrees marksheet in appointment/Selection

of Assistant Teacher subject to final decision of Apex Court.

A true copy of order dated 6.9.2010 is annexed herewith and marked as Annexure-'6' to this application.

17. That in the light of aforesaid direction of Hon'ble Court the Director, Research and Training, Human Resources Department vide Letter dated 1^o.1.2011 issued direction to Director, Secondary Education to do necessary action as per Hon'ble Court direction.

A true copy of letter dated 18.1.2011 is annexed herewith and marked as Annexure- '7' to this application.

18. That Principal Secretary, Human Resources Department vide Communique da ed 20.1.2011 issued dire-

ction that the B.Ed.Degree obtained from Muslim Minority Ahmadia B.Ed.College, Rampara, Katihar will be accepted in Selection/Appointment on the post of Assistant Teacher subject to decision of Hon'ble Apex Court.

A true copy of communique dated 20.1.2011 is annexed herewith and marked as Annexure-'8' to this application.

19. That in the appointment of 34540 Teachers in the light of Hon'ble Apex Court a large number of candidates taking B.Ed. Degree from Muslim Minority Ahmadia B.Ed. College, Rampara, Katihar have been appointed as Assistant Teacher.

20. That one Subash Kumar who passed B.Ed. degree from same Muslim Minority Ahmadia College in the year 1997 like petitioner has been promoted on

the post of Matric Trained scale vide its order dated 8.10.2012 issued by the District Education Officer, Madhepura and accordingly salary has been fixed.

A true copy of the order dated 8.10.2012 is annexed herewith and marked as Annexure-'9' to this application.

21. That the petitioner has already passed B.Ed. in the year 1997 but he was not given Matric Trained Scale, since the petitioner is still getting Matric untrained scale in spite of passing B.Ed. Exam.

22. That vide order dated 16.7.2012 issued bearing Memo No.1580 by authority concerned the Junior Teachers than the petitioner have been given promotion in B.A./B.Sc.Trained Scale w.e.f. 16.7.2012,

but petitioner's case has not been considered by the Respondent authority.

23. That if the petitioner was not given promotion in B.A/B.Sc Trained scale then they will be debarred for promotion on the post of Headmaster and junior persons will be promoted on the post of Headmaster which is against the natural justice.

24. That the petitioner is senior most teacher working since 1997 on the recommendation of B.P.S.C., if he will not been given promotion in B.A/B.Sc.Trained scale then petitioner will suffer a pecuniary loss and injury.

25. That action of Respondent authority is arbitrary malafide and unconstitutional.

26. That there is violation of Article 14,16 and 21 of the Constitution of India as well as violation of natural justice.

27. That the petitioner has no any other alternative and efficacious remedy other than by way of this application.

28. That the petitioner has not moved earlier before Hon'ble High Court for the reliefs as prayed in Para-1 to this application.

It is therefore, prayed that your Lordships may graciously be pleased to admit this application, issue Rule NISI calling upon the Respondents and after hearing the parties be pleased to allow this application and grant reliefs as prayed in para-1 to this application.

And/Or

Pass such other order or orders as your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT.



I, Radhe Shyam Mandal, aged about 47 years, Son of Mishri Lal Mandal, Resident of Village & Post Office-Ghailarh, Via-Panchgachhiya, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me in Hindi which I have fully understood the same and the statements of facts made in Paragraph No ~~2 to 10, 12 to 20~~ 2 to 5, 8, 21 to 26 — are true to my knowledge and those made in Paragraph Nos. 6, 7, 9 to 20 — are based upon informations derived from the records of the case which I believe to be true and the rest are by way of submissions to this Hon'ble Court.
3. That the Annexures are true/photostat copies of their respective originals.

राधेश्याम मंडल

कार्यालय, जिला शिक्षा अधीक्षक, मधेपुरा ।

आर्यालय आदेश

सचिव लोक सेवा आयोग पटना के पत्र संख्या 170 दिनांक 30.7.94 के द्वारा शिक्षक की पद पर नियुक्ति हेतु अनुसूचित सूची एवं निर्देशक प्राथमिक शिक्षा बिहार पटना के पत्रांक 7/नि0 17/93-1367 दिनांक 28.7.94 के निर्देशानुसार एवं जिला शिक्षा स्थापना समिति, मधेपुरा की बैठक दिनांक 28.8.94 के निर्णयानुसार श्री राधे ...
श्याम... ... क्रमांक 020706 ... पिता श्री मिथु
... ... गांव ... पो. ...
 प्रबंध ... जिला- ... की नियुक्ति ...
... में पूर्णतः अस्थायी रूप से मैट्रिक अप्रशिक्षित वेतनमान 975-25-1150-30-1540 में की जाती है ।

2. प्रत्येक अभ्यर्थी को इस आशय का शपथ पत्र देना होगा कि उनके द्वारा दी गई सभी सूचनाएं एवं प्रमाण पत्र सत्य एवं वैध हैं । इसमें किसी भी प्रकार की गड़बड़ी पाये जाने पर उनके बिलुद्ध प्राथमिकी दर्ज कर कानूनी कार्रवाई की जायगी एवं बिना पूर्व सूचना के सेवा समाप्त कर दी जायगी ।

3. अविवाहित अभ्यर्थी तिलक दहेज नहीं लेने की घोषणा विहित प्रपत्र शपथ पत्र के साथ देना होगा, सश्रम सभी वेतन भुगतान होगा, बालविवाह अपने बच्चे का नहीं करने, परिवारकल्याण कार्यक्रम का अनुपालन करने तथा पूर्ण साक्षरता कराने के लिए उत्तरदायी रहने की घोषणा करेंगे ।

जिन अभ्यर्थियों की आयु सरकारी सेवा के लिए निर्धारित आयु से अधिक होगी उनका वेतन भुगतान सक्षम पदाधिकारी से आयु धान्ति के उपरान्त ही होगा । यदि किसी अभ्यर्थी की नियुक्ति उनके गृह प्रबंध में महिला अभ्यर्थी को छोड़कर हो गया हो तो निरीधी पदाधिकारी योगदान स्वीकार नहीं करेंगे तथा उसकी सूचना अधोहस्ताधरी को एक सप्ताह के अन्दर देंगे जिससे उसका सामंजन विद्यालय में किया जा सके ।

4. निरीधी पदाधिकारी नव नियुक्त सभी शिक्षकों को सभी शैक्षणिक एवं प्रशैक्षणिक प्रमाण पत्रों की मूल प्रति एवं प्रत्येक की तीन-तीन छाया प्रति जो अभिप्रमाणित हो तथा अतिरिक्त शल्य चिकित्सा पदाधिकारी का चिकित्सा प्रमाण पत्र की मूल प्रति अधोहस्ताधरी के कार्यालय में जांच हेतु भेजेंगे ।

5. सभी प्रमाण पत्रों के सत्यापनोपरान्त ही योगदान की तिथि से वेतन देय

Approved
17

NO. 7418



B. N. MANDAL UNIVERSITY
Laloo Nagar, Madhepura (Bihar)
(Examination Department)

B. Ed.

Date of Issue... 8/1/98

The following are the details of marks obtained by... 21472114 H.SOF ... Roll No. 1838 ...
 Registration No. 45638/86 Year ... 19... at the BACHELOR OF EDUCATION Examination, 1994-95 held in the Month of Feb. 1997

Paper	Name of Subjects		Marks		Result	REMARKS
	First	Second	Third	Fourth		
First	Philosophy & Soc.	Foundation of Education	100	100	First Division with distinction	Minimum Marks for First Division with Distinction-750
	Educational psychology & Educational Measurement	History & problem of Indian & comp. Education,	100	100		
Second	Educational psychology & Educational Measurement	History & problem of Indian & comp. Education,	100	100	First Division	First Division - 600
	History & problem of Indian & comp. Education,	Edu. Adm. Planning & Health Education	100	100		
Third	Edu. Adm. Planning & Health Education	General method of teaching	100	100	Second Division	Second division - 450
	General method of teaching	First method subject Theory	20	40		
Fourth	General method of teaching	Second method subject Theory	40	40	Third Division	Third division below - 450
	First method subject Theory	Second method subject Theory	40	40		
Fifth	Second method subject Theory	TOTAL	36	40	Fails	Provided Pass Marks in each of the Subjects offered.
	TOTAL	First method subject Practical	40	40		
Sixth & Seventh	First method subject Practical	Second method subject Practical	40	40	Fails	Aggregate in Words
	Second method subject Practical	First method teaching and workshop practical	40	20		
Sixth & Eighth	First method teaching and workshop practical	Second method teaching and workshop practical	20	20	Fails	Aggregate in Words
	Second method teaching and workshop practical	Teaching craft subject	20	40		
Sixth & Ninth	Teaching craft subject	Training in community Life activities.	40	40	Fails	Aggregate in Words
	Training in community Life activities.	Aggregate of all theoretical and practical Paper	40	40		
Full Marks					1000	
Pass Marks					36	
Marks obtained					63	60
					60	46
					13	20
					17	50
					91	92
					43	41
					90	94
					730	

Rs. 20/-only

Assistant

S. O.

Tabulator

Controller of Exams.

Signature

Seven hundred thirty

सेवामें,

श्रीमान जिला शिक्षा पदाधिकारी,
मधोपुरा।

विषय- आपति निराकरणकर बी० एस्/ बी एस् सी प्रशिक्षित वेतनमान में प्रोन्नति देने के संबंध में।

महाशय,

निवेदन है कि मैं प्राथमिक विद्यालय, बभानी ए बालक ए अंचल सिधोश्वर पश्चिमी जिला मधोपुरा में सहायक शिक्षक के पद पर कार्यरत हूँ। मैंने बी० एड० की परीक्षा वर्ष 1997 में पास किया। 27.4.2012 की चठक में मुझे कनिष्ठ शिक्षक को प्रोन्नति दी गयी लेकिन मेरा नाम प्रोन्नति सूची में नहीं है।

श्रीमान् से अनुरोध है कि मुझे 1 2 वर्गिय ए० सी० पी० एवं बी० एड० प्रशिक्षित वेतनमान में प्रोन्नति देने की कृपा कलक कियाजाय।

प्रतिलिपि-

निदेशक प्राथमिक शिक्षा,
बिहार सरकार पटना।

विश्वासभाजन

ह०/- अस्पष्ट

ए राधेश्याम मंडल ए

कलद- मिश्री लाल मंडल

ग्राम पो० धौलाढ भाया पचगीछिया

जिला - मधोपुरा

दिनांक 13.6.2012

18
AMMEXME 10 3 2
(5) 4

ITEH NO.14

pcx201115908p.txt court notice.txt
COURT NO.1 SECTION XVI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. No.1 in and
Petition(s) for Special Leave to Appeal (civil)...../2008
(CC 11159/2008)
(From the judgement and order dated 05/01/2007 in LPA No.453/2001
of THE HIGH COURT OF PATNA)

STATE OF BIHAR

Petitioner(s)

VERSUS

SATISH KUMAR & ORS.

Respondent(s)

(For permission to file SLP, appln(s). for exemption from filing
O.T./delay in filing SLP, prayer for interim relief and office report)

Date: 22/08/2008 This petition was called on for hearing today.

CORAM

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE J.N. PANCHAL

For Petitioner(s) Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

For Respondent(s)

UPON hearing counsel the court made the following
ORDER

Permission to file special leave petition is granted.
Exemption allowed.

Issue notice on the application for condonation of
delay as also on the special leave petition.

Until further orders, operation of the impugned
order shall remain stayed.

Tag the petition with S.L.P. (C) No.7795 of 2007.

[T.I. Rajput]
A.R.-cum-P.S.

[Om Prakash]
Assistant Registrar

Annexment 43

ITEM NO.10

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.Nos.2-4, 5-7 in Petition(s) for Special Leave to Appeal
(Civil) No(s).21636/2008

(From the judgement and order dated 05/01/2007 in LPA No.
453/2001 of The HIGH COURT OF JUDICATURE AT PATNA)

STATE OF BIHAR & ORS,

VERSUS

SATISH KUMAR & ORS.

Certified to be true copy
Daxent
Assistant Registrar (Judl)
25.02.10
Supreme Court of India

Petitioner(s)

Respondent(s)

(With appln(s) for impleadment as party respondent, exemption
from filing O.T., vacating stay order dt. 22.08.2008, impleadment
and prayer for interim relief and office report)

WITH I.A.No.2 in SLP (C) No.7233/2007
(For directions and office report)

Date: 19/02/2010. These applns. were called on for hearing
today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Manish Kumar, Adv.
For Mr. Gopal Singh, Adv.

For Respondent(s) / Applicant(s) Mr. G.C. Bharuka, Sr. Adv.
Mr. Devashish Bharuka, Adv.
Ms. Jaya Bharuka, Adv.
Mr. R. Chaudhary, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Vivek Vishnoi, Adv.

Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Ms. Madhu Sikri, Adv.

Mr. Sunil Kumar, Sr. Adv.
Mr. Manik Vedsen, Adv.
Mr. Himanshu Shekhar, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard both sides.

The applicant is seeking interim direction of the Order passed on 22.8.2008, We clarify that the recommendation was withdrawn on 19.5.2000 and we make it clear that withdrawal of these recommendation shall not affect the students who had already passed out of the recognised University prior to this date.

No orders on impleadment application.

I.As. are disposed of accordingly.

Post the matters in the 3rd week of March, 2010, for final disposal.

(R.K. Dhawan)
Court Master

(Susmit Ghosh)
Court Master

Amendment 125

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IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.682 of 2010

1. DWARIKA PRASAD S/O CHANDRADEO PRASAD R/O
VILL BHUAPUR, P.O. KARA, P.S. JAMHAUR, DISTT-
AURANGABAD

Versus

- 1. THE STATE OF BIHAR
- 2. THE PRINCIPAL SECRETARY, HUMAN RESOURCES
DEVELOPMENT DEPARTMENT GOVERNMENT OF BIHAR,
PATNA
- 3. THE DISTRICT MAGISTRATE AURANGABAD
- 4. THE DISTRICT EDUCATION OFFICER AURANGABAD

For the Petitioner : M/s Uday Chand Prasad, Binod Kumar Singh
and Manoj Kumar
For Intervener : Mr. Anil Kumar Anal
For the State : G.P.3

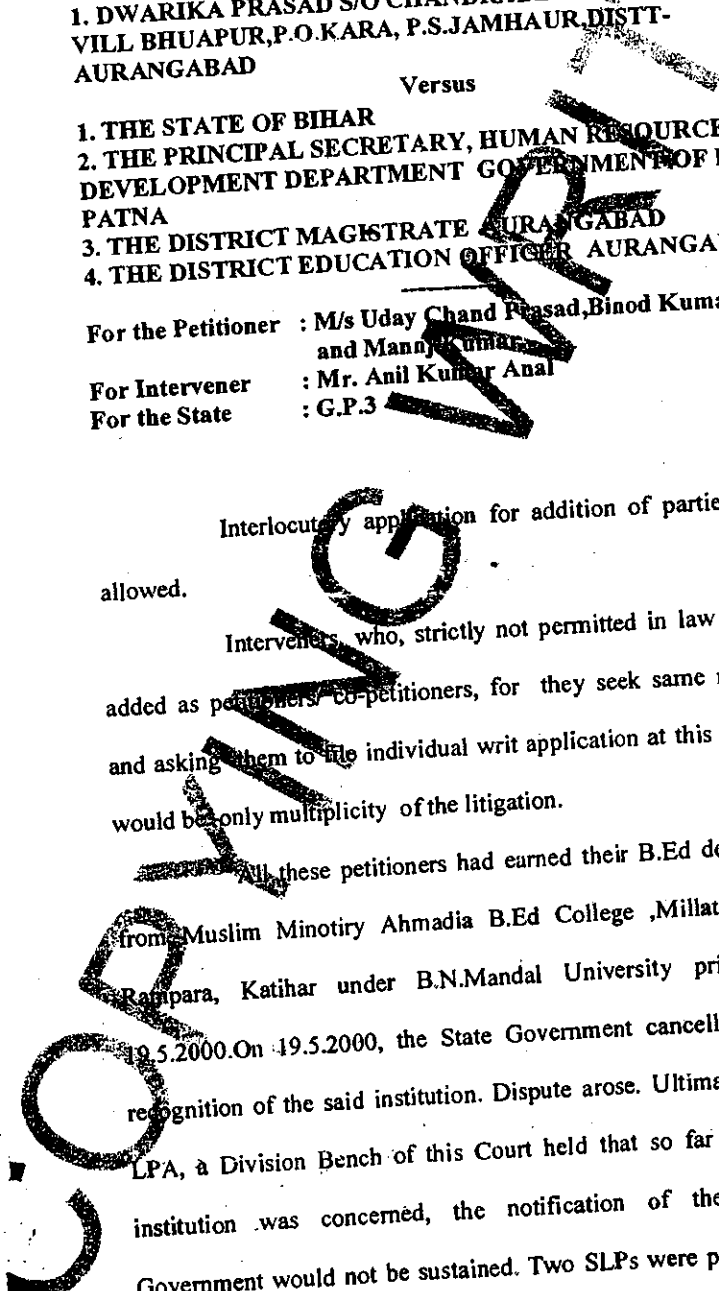
4 6.9.2010

Interlocutory application for addition of parties is allowed.

Interveners who, strictly not permitted in law are added as petitioners/co-petitioners, for they seek same relief and asking them to file individual writ application at this stage would be only multiplicity of the litigation.

All these petitioners had earned their B.Ed degrees from Muslim Minority Ahmadiya B.Ed College, Millatnagar, Rampara, Katihar under B.N.Mandal University prior to 19.5.2000. On 19.5.2000, the State Government cancelled the recognition of the said institution. Dispute arose. Ultimately in LPA, a Division Bench of this Court held that so far as this institution was concerned, the notification of the State Government would not be sustained. Two SLPs were preferred by the University. When the first SLP was taken up in the year

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2008, the Apex Court stayed the Division Bench judgment. Later by the second SLP in which similar order was passed. Upon notice being issued, parties appeared in SLP and upon petition to vacate stay, the Supreme Court modified its earlier order and ordered that so far as students who had appeared in B.Ed examination prior to 19.5.2008 and passed would be entitled to their degrees and certificates from the University. This being a subsequent order even the Court has directed the university to issue certificates and degrees. State has now taken a peculiar stand that there appears to be serious confusion in the order of the Apex Court and it is on that ground they justified the press note of the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna. issued recently stating that the institution i.e. Muslim Minority Ahmadiya B.Ed College, Malatnagar, Rampara, Katihar is not a recognized institution (for getting or ignoring subsequent order of Apex Court modifying its earlier order).

In my view, if they think that there were conflicting orders of the Supreme Court leading to some confusion, then the State in all fairness would have got the conflict or confusion resolved, as they are also party before the Apex Court. Instead of issuing press statement, which virtually ignored the subsequent order of the Supreme Court wherein stay has been modified and direction issued to issue certificates and degrees, State had done nothing but has created confusion. In my view, I am left with

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no option but to hold that press release of the Principal Secretary, Department of Human Resources Department is not in accordance with the last order of the Supreme Court which clearly mandates issuance of degrees and certificates to students, who had passed prior to 19.5.2000. The Principal Secretary must immediately clear the situation and issue necessary press release, so that petitioners and their likes are not prejudice in any manner. The Principal Secretary may approach the Apex Court and seek any other clarification which he requires. In the meantime, the petitioners should be given their degrees and mark sheets and would be considered for appointment and if selected, be appointed as Assistant Teacher but all this action would be subject to final order that may be passed by the Apex Court.

With the foresaid observations and directions, the writ petition is disposed of.

sd/- (Navaniti Prasad Singh, J.)

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RECEIVED BY THE PRINCIPAL SECRETARY
 For Secy. to the Government (HR)
 Department of Human Resources
 9/9/10
Navaniti Prasad Singh

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बिहार सरकार

मानव संसाधन विकास विभाग
सूचना

माननीय पटना उच्च न्यायालय द्वारा याचिका संख्या-682/09 में दिनांक 06.09.10 को पारित न्यायादेश के आलोक में स्पष्ट किया जाता है कि मुस्लिम मायनोरिटी अहमदिया बी.एड. कॉलेज, कटिहार द्वारा प्रदत्त बी.एड. डिग्री की मान्यता, शिक्षक के पद पर नियोजन हेतु उनके अभ्यर्थित्व इस शर्त पर स्वीकार करने का निर्णय लिया गया है कि आवेदकों को देय प्रमाण-पत्र/अंक पत्र की मान्यता माननीय उच्चतम न्यायालय में लंबित एस.एल.पी. (सिविल)-7795/07 एवं एस.एल.पी. (सिविल)-7259/07 में पारित अंतिम आदेश के फलाफल से प्रभावित होगा।

हिदयत:- 20.01.11

(अंजनी कुमार सिंह)
प्रधान सचिव

सरकारी सेवा जनसेवा का माध्यम है। धर्म-ईमान की तरह इसे भी वेदांग रखें।

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कार्यालय जिला शिक्षा अधीक्षक मधोपुरा

कार्यालय आदेश

क्षेत्र शिक्षा पदाधिकारी मुस्लीमजी की अनुशांसा के अन्तर्गत आधार पर श्री सुभाषा कुमार सहायक शिक्षक मध्य विद्यालय तमोट परसा अंचल मुस्लीमजी जो सत्र 1990-91 की बी० एच० की परीक्षा में सम्मिलित होकर उत्तीर्ण हुए है। और जिसका परीक्षाफल दिनांक 9.8.95 को प्रकाशित हुआ है को परीक्षाफल प्रकाशन की तिथि के एक दिन बाद यानि दिनांक 10.8.95 से मैट्रिक प्रशिक्षक के वेतनमान 1200-2040 में वेतन भुगतान की अनुमति प्रदानकी जाती है।

इसका आर्थिक लाभ दिनांक 1.4.2002 से देयहोगा।

ह०/ - अस्पष्ट

जिला शिक्षा अधीक्षक मधोपुरा।

ज्ञापक 1935-4 मधोपुरा दिनांक 8 अक्टूबर 02

प्रतिलिपि- जिला कोषागार पदाधिकारी, मधोपुरा / क्षेत्र शिक्षा पदाधिकारी मुस्लीमजी/ प्रधानाध्यापक म० विद्यालय तमोट परसा अंचल मुस्लीमजी एवं सम्बन्धित शिक्षक को सूचनाार्थ एवं आवश्यक कार्यार्था प्रेषित।

ह०/ - अस्पष्ट

जिला शिक्षा अधीक्षक

मधोपुरा।

8.10.02

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होगा। विभाग के द्वारा प्रतिकूल आदेश प्राप्त होने पर यह नियुक्ति स्वतः समाप्ता समझी जायेगी। अभ्यर्थी पत्र निर्गत के पन्द्रह दिनों के भीतर किसी भी दिन अनिवार्य रूप से योगदान कर लेगे।

§ मधुसूदन पातवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

दिनांक

ज्ञापांक 436-316 मधेपुरा/28 अगस्त 1994 ई०।

प्रतिलिपि सम्बन्धित अभ्यर्थी/गुच्छ प्रधानाध्यापक/प्रखंड शिक्षा प्रसार पदाधिकारी/क्षेत्र शिक्षा पदाधिकारी को सूचनार्थ एवं आवश्यक कार्याधि प्रेषित।

§ मधुसूदन पातवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

ज्ञापांक 436-316 मधेपुरा, दिनांक 28 अगस्त 1994 ई०।

प्रतिलिपि अवर प्रमण्डल शिक्षा पदाधिकारी, मधेपुरा/उदा किशुनगंज/जिला शिक्षा पदाधिकारी, मधेपुरा/जिला विद्यालय निरीक्षिका, मधेपुरा/जिला कोषागार पदाधिकारी, मधेपुरा एवं क्षेत्रीय उप शिक्षा निदेशक, कोशी प्रमण्डल, सहरसा की सेवा में सूचनार्थ समर्पित।

§ मधुसूदन पातवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

ज्ञापांक 436-316 मधेपुरा, दिनांक 28 अगस्त 1994 ई०।

प्रतिलिपि उप विकास आयुक्त, मधेपुरा/जिला पदाधिकारी, मधेपुरा एवं निदेशक, प्राथमिक शिक्षा विहार, पटना की सेवा में सूचनार्थ समर्पित।

§ मधुसूदन पातवान §

जिला शिक्षा अधीक्षक, मधेपुरा।

Annexure 4

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ANNEXURE 4

पत्रांक 11/ सु०-47/2010

मानव संसाधन विकास विभाग, बिहार।

दशरथ पासवान
निदेशक(शोध एवं प्रशिक्षण)।

सेवा में,

निदेशक,
माध्यमिक शिक्षा,
मानव संसाधन विकास विभाग, बिहार।

पटना, दिनांक 18/11/11

विषय:- सी०डब्लू०जे०सी० नं०- 682/10 द्वारिका प्रसाद बनाम राज्य सरकार एवं अन्य में दिनांक 06.09.10 को पारित न्यायादेश के अनुपालन के संबंध में।
महाशय,

उपर्युक्त विषय के संबंध में कहना है कि एस०एल०पी०सं० 21636/2008 बिहार सरकार बनाम सतीश कुमार में दिनांक 22.08.2008 को माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा एल०पी०ए० सं० 453/2006 में दिनांक 05.01.2007 को पारित न्यायादेश, जो प्रशिक्षण महाविद्यालय के पक्ष में था, को स्थगित कर दिया गया तथा उक्त प्रशिक्षण महाविद्यालय की डिग्री भी अमान्य हो गयी थी। एतद् सम्बन्धी सूचना विभागीय पत्रांक 1884 दिनांक 07.11.2008 द्वारा आपको पूर्व में दी गयी थी।

2. ज्ञातव्य हो कि याचिका सं० 682/10 द्वारिका प्रसाद बनाम राज्य सरकार एवं अन्य द्वारा माननीय पटना उच्च न्यायालय में एक याचिका दायर की गयी। यह वाद औरंगाबाद जिले के जिला परिषद में माध्यमिक शिक्षक के पद पर नियोजन हेतु मुस्लिम माइनोरिटी अहमदिया बी०एड० कॉलेज, मिल्लत नगर, रामपाडा, कटिहार से प्राप्त प्रशिक्षण डिग्री की अमान्यता के कारण नियोजन से वंचित किये जाने के फलस्वरूप दायर की गयी। माननीय पटना उच्च न्यायालय द्वारा दिनांक 06.09.2010 को पारित न्यायादेश (छायाप्रति संलग्न) द्वारा शिक्षक के पद पर नियोजन हेतु इनके अभ्यर्थित्व पर विचार करने का आदेश दिया गया है जो माननीय सर्वोच्च न्यायालय द्वारा एस०एल०पी० (सिविल) 7795/07 एवं एस०एल०पी०(सिविल) 7259/07 में पारित अन्तिम आदेश के फलफल से प्रभावित होगा। कृपया तदनुसार कार्रवाई की जाए।

3. ज्ञातव्य हो कि वादीगण द्वारा दिनांक 06.09.10 को याचिका सं० 682/10 द्वारिका प्रसाद एवं अन्य बनाम राज्य सरकार एवं अन्य में पारित न्यायादेश के कार्यान्वयन नहीं होने के कारण अवंमाननावाद-सं० 4266/10 द्वारिका प्रसाद बनाम राज्य सरकार भी दायर किया गया है जो सुनवाई हेतु सूचीबद्ध है।

कृपया इसे सर्वोच्च प्राथमिकता दी जाए।

विश्वासभाजन

(दशरथ पासवान)

निदेशक, शोध एवं प्रशिक्षण
मानव संसाधन विकास विभाग

पटना, दिनांक 18/11/11

ज्ञापांक 39

प्रतिलिपि- निदेशक (प्र शि०) मानव संसाधन विकास विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

(दशरथ पासवान)

निदेशक, शोध एवं प्रशिक्षण