

Shanker Mahto and Another Vs The State of Bihar and Others

Court: Patna High Court

Date of Decision: March 19, 2012

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

@JUDGMENTTAG-ORDER

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.