



IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.4007 of 2007

MANOJ KUMAR YADAV & ORS
Versus
THE STATE OF BIHAR & ORS

CWJC No.13367 of 2007
KUMARI MANISHA & ORS

Versus
THE STATE OF BIHAR & ORS

CWJC No.4857 of 2007
SHEO KUMAR RAM & ORS

Versus
THE STATE OF BIHAR & ORS

CWJC No.11444 of 2007
SHAIENDRA PD.PATEL & ANR

Versus
THE STATE OF BIHAR & ORS

CWJC No.958 of 2008
MANJU KUMARI

Versus
THE STATE OF BIHAR & ORS

CWJC No.2297 of 2008
HARENDRA MANJHI & ORS

Versus
THE STATE OF BIHAR & ORS

CWJC No.4155 of 2008
ANITA KUMARI & ANR

Versus
THE STATE OF BIHAR & ORS

CWJC No.4167 of 2008
KUMARI LALITA

Versus
THE STATE OF BIHAR & ORS

CWJC No. 5548 of 2007
Manoj Kumar & ors. V . The State of Bihar & ors.



For the Petitioners : M/S Tarakant Jha
Rajendra Prasad Singh
Ganesh Prasad Singh
Umesh Kumar Mishra
For the State : Mr. Ram Chandra Pd. Bharti, SC 14
For the NCTE : Mr. S.N. Pathak

2. 30.06.2008 Heard learned counsels for the petitioners and learned counsels for the State.

CWJC No. 4007 of 2007 and CWJC No. 13367 of 2007 were first taken up for consideration together, when counsels for the petitioner and the State made their respective submissions.

After submissions were concluded, learned counsels for other writ petitions submitted that their case was covered by the issue argued and discussed in the aforesaid two writ applications and that their writ petitions may be also disposed off by this common order. This Court, therefore, proceed on the basis of the submission of the learned counsels in other writ applications that the issues were similar to that in CWJC No. 4007 of 2007 and CWJC No. 13367 of 2007.

The controversy in these writ applications relates to the qualifications acquired from Hindi Sahitya Sammelan, Allahabad in the State of Uttar Pradesh and on the basis of which the petitioners were initially appointed on different posts of teachers under the statutory Rules framed by the State Government in this regard in 2006. Subsequently, orders for termination of their services have been issued on the premise that Hindi Sahitya Sammelan, Allahabad was not a recognized institution. An additional ground has also been urged

that the order of termination is in violation of the principles of natural justice.

It appears that a batch of writ applications led by CWJC No. 12635 of 2006 came to be dismissed by a Bench of this Court on 8.12.2006 noticing that the degree of Shiksha Visharad granted by Hindi Sahitya Sammelan Prayag, Allahabad was not recognized by post NCTE Act i.e. 17.8.1995 or either before it. This Court is informed that in Letters Patent Appeal against the same, the matter has been remanded to the authorities.

In CWJC No. 13367 of 2007, Annexure-13 appended to I.A. No. 6819 of 2007 contains a list of deemed University under Section 3 of the U.G.C. Act issued by the Department of Personnel and Administrative Reforms, Government of India, New Delhi. The name of Hindi Sahitya Sammelan, Prayag, Allahabad finds place at serial 84. This aspect of the matter does not appear to have come up for consideration in CWJC No. 12635 of 2006 as the same finds no discussion therein.

In today's world with internet facility available providing plethora of information, this Court would have expected the State Government authorities to act more scientifically and do their home work before taking such action which has wide ramification.

No counter affidavit has been filed in CWJC No. 13367 of 2007 though when the matter was taken up, prayer has been made for adjournment for the purpose. This Court does not consider it necessary to adjourn the matter for the same in view of Annexure-13

as noticed above.

Writ applications are, therefore, allowed. Impugned orders are set aside and the matter is remanded to Respondent no. 2 to examine the matter afresh and take a decision in accordance with law within a period of two months from the date of receipt and/or production of a copy of this order.

Needless to state that all consequential action shall have to be passed on such decision that may be taken by Respondent no. 2 in light of the materials noticed above.

AKS/

(Navin Sinha,J.)