

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10722 of 2013

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1. Prakash Kumar Son Of Sri Arun Kumar Arun Resident Of At + P.O.-
Bangaon, P.S.- Bajpatti, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education
Department, Government Of Bihar, Patna
2. The Director, Primary Education, Government Of Bihar, Patna
3. The District Magistrate, Sitamarhi, District- Sitamarhi
4. The District Education Officer, Sitamarhi, District- Sitamarhi
5. The District Program Officer, (Establishment) Sitamarhi, District-
Sitamarhi
6. The Block Development Officer, Runni Saidpur, District- Sitamarhi
7. The Block Education Officer, Runni Saidpur, District- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner : M/s Niranjan Kumar,
Mrityunjay Kumar,
Sudhir Kumar, Advocates

For the State : Mr. Kinkar Kumar, S.C. XXVII
Mr. Mahboob Ashraf, A.C. to S.C. XXVII

For the B.E.P.C. : Mr. Girijesh Kumar, Advocate

For the N.C.T.E. : Mr. S. N. Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

08. 16-01-2015 Writ application is dismissed for the simple reason

that the respondent-authorities have already granted benefit of

trained teacher's scale to the petitioner with effect from the date

the petitioner has passed the examination, which includes two

years teacher training and the additional six months of Enrichment

Course.

In view of the decision taken by the NCTE, the

recognition has been given to person who has done additional

special six months course, i.e., Enrichment Course. No teacher, who has not completed the additional six months of training in terms of the NCTE directive and completed only two years' trained teacher course, can be granted the benefit of trained scale on the basis of doing two years' training without actual acquisition of knowledge and degree, which has not been recognized in terms of the Statute.

The plea of the petitioner that the benefit must accrue from the date he has completed two years of training, because the State Government had sent him for the same is a misplaced as the State does not decide the Statute and promulgate the rule. The NCTE is a Central enactment and is binding on one. The State Government cannot make rule, contrary to the Central Statute.

Writ is dismissed for the reasons indicated above.

(Ajay Kumar Tripathi, J.)

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