

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7241 of 2013

Amrita Kumari Jha D/O Gauri Shankar Jha R/O Village- Suro, P.O.- Bachhwara,
P.S. Bachhwara, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Principal Secretary, Department Of Education, Government Of Bihar, Patna
2. The Director (Mass-Education) Department Of Education, Government Of Bihar, Patna
3. The District Officer, Begusarai
4. The District Education Officer, Begusarai
5. The District Programme Officer (Primary And Sarva Shiksha Abhiyana), Begusarai
6. The Director, Bihar Education Project, Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Respondent/s : Mr. P. Tekriwal, GA-1

For the Bihar Education

Project Council : Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-06-2016

Heard learned counsel for the petitioner and counsel for the Bihar Education Project Council.

A grievance has been raised by the petitioner that he has wrongly been deprived for being appointed to the post of teacher in terms of Advertisement issued by the Bihar Education Project (Sarva Shiksha Abhiyan). The Bihar Education Project (Sarva Shiksha Abhiyan) had issued an advertisement for appointment of teachers for mentally retarded students having age of 6 to 14 years, prescribed qualification for the selection of persons as a teacher. In Clause-2 of



the qualification mentioned in the advertisement itself provided that persons, having qualification of XII passed and one year diploma in special education, will be eligible for consideration to the post of teacher. The petitioner thus has qualification of XII including having a qualification of Diploma in Early Childhood Special Education-Mental Retardation from Manipal University issued from the Rehabilitation Council of India, New Delhi. On the strength of that degree, the petitioner is claiming that she should have been appointed to the post of teacher whereas her case has been rejected on the ground of having no requisite qualification.

Learned counsel for the Bihar Education Project has pointed out that the advertisement has been issued as per guideline prescribed by the Rehabilitation Council of India where separate qualification has been prescribed for the Pre-school, Nursery and Play School. There the qualification has been prescribed that the person must have passed Xth class and certificate of Early Childhood Special Education or XIIth passed and one year Diploma Programme in Early Childhood Special Education and for the children of elementary (Primary/Upper Primary), the person must have educational qualification of XII passed and one year of Diploma in Special Education in any of the category of disability mentioned in the column of guideline. The petitioner is claiming appointment on the basis of certificate of



Diploma in Early Childhood Special Education-Mental Retardation which is not a requisite qualification for the children in between the age of 6 to 14 as they will come in the category of Elementary (Primary/Upper Primary) and for them a higher grade of qualification is required than to the primary level. The petitioner has obtained the Diploma Course for the primary level which cannot be a basis for appointment to the post advertised by the Bihar Education Project and so much so that the appointment was for the period of one year i.e. 2012-13 and that period has already been elapsed.

In that view of the matter, this writ application has also been rendered infructuous.

As this matter refers to qualification, the Rehabilitation Council of India is the best body to fix the qualification for teachers for rehabilitation of the children of Pre-school, Nursery and Play School (Primary and Upper Primary). If they have prescribed two qualifications for two grades of students, dividing the same on the basis of their age, this Court cannot substitute qualification which has been prescribed by the Rehabilitation Council of India. As the Rehabilitation Council has fixed the qualification mentioned in the advertisement issued for the period 2012-2013, this Court is of the view that the advertisement is for teachers for the children of age group 6 to 14 where the qualification has been mentioned as Special Education

whereas the petitioner possesses the qualification of Diploma in Early Childhood Special Education-Mental Retardation which is not the proper qualification.

In that view of the matter, this Court does not find any merit in this application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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