

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10951 of 2016

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Arun Kumar S/o Ram Lakhan Rai Resident of Village Bikrampur Bande, P.S.-
Samastipur, Dist- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate Samastipur, District- Samastipur.
4. The District Programme Officer (Establishment), District Samastipur.
5. The Block Education Officer, Warisnagar Block, District- Samastipur.
6. The Prakhanda Pramukh Warisnagar, Warisnagar Block, P.S.- Warisnagar District- Samastipur.
7. The Block Development Officer Warisnagar Block cum Secretary Panchayat Samiti Warisnagar, P.S. Warisnagar, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate
Ms. Vandana Singh, Advocate

For the Respondents : Mr. Kumar Pankaj, AC to SC21

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 08-12-2016

Two wrongs do not make a right. If there are certain abrasions and certain authorities down the line are determined to violate the guidelines and notifications to not appoint untrained teachers that cannot form the basis for a direction or a mandamus upon the respondents to appoint the petitioner as well as a teacher even though he is untrained.

The counter affidavit of the Director, Primary Education, Government of Bihar, has annexed three annexures, Annexures-A, B and C, which clearly conforms to the previous stand



taken on behalf of the State that an untrained person cannot be appointed as a teacher after 31st March, 2015. The notifications of the State of Bihar are based on the notification issued by the NCTE and the embargo is absolute.

Petitioner has tried to bring some instances of people or individuals who have been appointed even though they are untrained. So far as one example is concerned, the Director has already asked for explanation from the District Education Officer, Samastipur, but if there are other instances, petitioner is free to point it out to the Director and the Director has an obligation to ensure that any person, who is untrained, if engaged or appointed after 31st March, 2015 by any authority, is weeded out and removed after issuing a show cause to him and suitable action is taken against such an authority. The Court will not pass an order in favour of the petitioner for his engagement contrary to the notification.

Personal appearance of the District Programme Officer (Establishment), Samastipur is dispensed with.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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