

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.573 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 18164 of 2012**

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Nutan Kumari, Daughter of Sri Bishwanath Prasad, resident of Lenin Chowk,
Rasulpur Jilani, Muzaffarpur, P.S. - Kazi Mohammadpur, Town and District-
Muzaffarpur.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. Director (Primary Education), Education Department, Bihar, Patna.
3. Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. District Education Officer, Muzaffarpur.
5. Bihar Staff Selection Commission through its Secretary, Bailey Road, Patna.

.... Respondents

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Appearance :

For the Appellants : Mr. Mritunjay Kumar, Advocate.

For the State : Mr. Manoj Kumar Jha, A.C. to G.P.-26

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-06-2016

Re.:I.A. No. 2530 of 2015

The application is for condonation of delay of 1 year and
185 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory

Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay of 1 year and 185 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 2530 of 2015 is allowed and delay of 1 year and 185 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 573 of 2015

Heard learned counsel for the parties.

2. The order dated 30th of July, 2013 passed by the learned Single Bench of this Court in C.W.J.C. No. 18164 of 2012 is subject matter of challenge in the present Letters Patent Appeal.

3. The appellant claims appointment to the post of Assistant Teacher in terms of the guidelines dated 13th of March, 2012 issued by the Director (Primary Education), Bihar, Patna. The argument of the appellant before the learned Single Bench and also before this Court is that the appellant is covered by the clarifications given by the Director (Primary Education) inasmuch as appellant has passed from Prayag Mahila Vidyapeeth, Allahabad in the month of May, 1987. Therefore, such qualification is valid qualification for appointment on the post of Teacher in the Bihar State.

4. The stand of the respondents in the counter affidavit is that a circular was issued on 25th of February, 2008 wherein it was

mentioned that the qualifications obtained from Prayag Mahila Vidyapeeth are not recognized for appointment on the post of Teacher in Bihar State. Such circular was reproduced by the learned Single Bench in the impugned order.

5. The appellant has sought appointment as a Teacher in response to Advertisement No. 210 of 2010 for filling up of 34540 posts of Teachers. The Bihar Special Elementary Teacher Appointment Rules, 2010 applicable to such advertised post contemplates that a person in order to be appointed as a Teacher must have Intermediate qualification from School/College recognized by the Central Government or the State Government. Thus, it was found that Prayag Mahila Vidyapeeth is not recognized either by the Government of Uttar Pradesh or by the Central Government and, therefore, it is not a qualification on the basis of which the appellant can claim to be eligible for appointment.

6. Since the qualification obtained from Prayat Mahila Vidyapeeth is not a qualification approved for appointment either by the State of Uttar Pradesh or by the Central Government or even by the State of Bihar, therefore, the appellant cannot be said to be eligible for appointment as Teacher in terms of Bihar Special Elementary Teacher Appointment Rules, 2010.

7. In view thereof, we do not find any error in the order

passed by the learned Single Bench which may warrant interference in the present intra court appeal.

8. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.
N.A.F.R.

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