

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.663 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 17940 of 2012**

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1. Sudhir Kumar, Son of Kameshwar Singh, Resident of village + P.O. Bibipur via Anirudh Belsar, P.S. Vaishali, District- Vaishali
 2. Kumari Neha daughter of Ganesh Prasad Singh Resident of village + P.O. Bibipur, P.S. Vaishali, District- Vaishali
 3. Rupam Kumari daughter of Suman Singh Resident of village + P.O. Bibipur, P.S. Vaishali, District- Vaishali
 4. Rakesh Kumar son of Ram Shreshtha Singh Resident of village + P.O. Bibipur, P.S. Vaishali, District- Vaishali

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. The Secretary, Department of Education, Govt. of Bihar, Patna
4. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna
5. The Director, State Council of Education Research and Training, Govt. of Bihar, Mahendru, Patna 800006

.... Respondents

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Appearance:

For the Appellant/s : Mr. Naresh Chandra Verma, Advocate.
Mr. Natraj Verma, Advocate.
For the Respondent/s : Mr.

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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: 22-09-2016

The challenge in the present Letters Patent Appeal is to an order dated 25.07.2013 passed by learned Single Bench of this Court, whereby the writ petition filed by the appellants for treating them eligible for appointment as Primary Teacher remained unsuccessful.

2. The conditions of appointment as per the Rules have been given in detail by the learned Single Bench. One of the

conditions is that the candidate has to pass in the Teachers Eligibility Test. The only exception by way of relaxation, for the candidates of the State of Bihar, is that on account of non-availability of the trained hands, the cases of untrained teachers can also be considered but they must acquire training qualification within five years of their appointment.

The learned Single Judge has found that the exception to the Rules may be considered with the approval of National Council of Teachers Education for specified category of candidates, namely, SC, ST and OBC, if adequate numbers of trained hands are not available in the said category.

Since, the rule mandates to appoint qualified teachers through Teachers Eligibility Test, therefore, there cannot be any direction to act against the statute and the rules framed.

In view of the facts aforesaid, we do not find any error in the order passed by the learned Single Judge.

Accordingly, this Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Mishra/-

AFR/NAFR	N.A.F.R
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