

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6887 of 2015

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1. Hardeo Prasad Yadav. Son of Late Ram Autar Prasad Yadav. Resident of village - Murli, P.S.- Beldour, District - Khagaria.
 2. Ranju Kumari. D/o Fekan Pandit, W/o Ashok Kumar. Resident of village - Bela, P.S.- Beldour, District - Khagaria.
 3. Sudha Kumari. D/o Devendra Prasad Yadav. W/o Ram Bachan Rai. Resident of village - Bhagwanpur, P.S.- Parshauni, District - Sitamarhi.
 4. Anokha Kumari. D/o Ram Pravesh Yadav, W/o Mritunjay Kumar Nirala. Resident of village - Gangi, P.O.- Mahinath Nagar, Block - Beldour, District - Khagaria.
 5. Anjana Kumari. D/o Bangat Ram. W/o Narayan Ram. Resident of village - Mali, P.S.- Beldour, District - Khagaria.
 6. Anjum Ara. D/o Md. Idris Ansari, W/o Irshad Hussain. Resident of Village - Mani Chapra, P.S.- Chakiya, District - East Champaran.
 7. Prabha Kumari. D/o Sri Shatahu Ram. W/o Sri Amrendra Ram. Resident of village - Madhopur Swarup, P.S.- Kalyanpur, District - East Champaran.
 8. Anita Kumari. D/o Prem Safi. W/o Suresh Shafi. Resident of village - Balien, P.S.- Arrerr, Block - Benipatti, District - Madhubani.
 9. Abha Rani. D/o Arvind Prasad, W/o Bhogendra Bhagat. Resident of village - Loha, P.S.- Kalwahi, District - Madhubani.
 10. Mahjabin Ansari. Son of Md. Hatim Jawed. Resident of village - Vishambharpur Mehshi, P.S.- Mehshi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, State Council of Education Research and Training, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Lalit Kishore- AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-02-2018



This writ petition has been filed for declaring the provisions of Rule 12(3) of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006 as ultra vires and amendment made to it vide Resolution No. 7 dated 3.7.2009.

The question has been considered recently by the Supreme Court in the case of **Nirmala Kumari & Ors. Vs. State of Bihar & Ors.: 2017 (4) PLJR (SC) 356** and after taking note of various aspects of the matter in paragraph nos. 6,7 and 8 of the judgment, the Hon'ble Supreme Court has issued the following directions:-

“6. In L.Muthu Kumar and Another Vs. State of Tamil Nadu and Others reported in (2000) 7 SCC 618, this Court has referred to the need for appointment of qualified and trained teachers, in particular, at the primary stage. This Court, in many cases, has addressed the need for adequate training. The operative portion of the Judgment is reproduced as under:-

“14..... We are of the considered opinion that before teachers are allowed to teach innocent children, they must receive appropriate and adequate training in a recognised training institute satisfying the prescribed norms, otherwise the standard of education and careers of children will be jeopardised. In most civilised and advanced countries, the job of a teacher in a primary school is considered an important and crucial one because moulding of



young minds begins in primary schools. Allowing ill-trained teachers coming out of derecognised or unrecognised institutes or licensing them to teach children of an impressionable age, contrary to the norms prescribed, will be detrimental to the interest of the nation itself in the sense that in the process of building a great nation, teachers and educational institutions also play a vital role. In cases like these, interest of individuals cannot be placed above or preferred to the larger public interest. ...”

7. Having heard both the parties, we are of the view that in order to give a quietus to the whole issue, it is only appropriate that the State is directed to subject the teachers, who have failed in the evaluation test for the third time, to a further training of six months. At the end of such six months, they shall be subjected to an appropriate evaluation test, prescribing minimum marks. Passing the evaluation test thus conducted, on completion of the training, would mean the successful completion of the training.

8. It is made clear that if any of the candidates fail to successfully complete the training as above, it will be open to the State to remove them from the service.”

In view of the above, no further orders are necessary. Now the State Government is to proceed in the matter as directed by the Hon’ble Supreme Court by the decision as reproduced



hereinabove. This writ petition is, accordingly, disposed of in terms thereof.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2018
Transmission Date	

