

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4656 of 2015

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Sunil Kumar Yadav, Son of Late Satya Narayan Rai, Resident of Mohalla -
Dhobitola, Danapur Cantt., P.S.- Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Director (Secondary Education), Government of Bihar, Patna.
3. The Director (Primary Education), Government of Bihar, Patna.
4. The Regional Director, NCTE, Bhubneshwar, (Orissa).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3687 of 2017

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Pankaj Kumar Singh Son of Ramjee Singh Resident of Village-Bardiha, P.O..
P.S.-Nasriganj, Dist-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Education,
Govt. of Bihar, Patna.
2. The Special Director (Secondary Education), Govt. of Bihar, Patna.
3. The Director (Primary Education) Govt. of Bihar, Patna.
4. The Regional Director, NCTE, Bhubneshwar (Orissa) Respondent/s

with

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Civil Writ Jurisdiction Case No. 3720 of 2017

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Sima Kumari, daughter of Rangnath Tiwary, Wife of Prashant Kumar Rai, Resident
of vill./P.O. Amarpur, P.O./P.S. Daraouli, Distt. - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. of Bihar, Patna
2. The Director (Secondary Education), Govt. of Bihar, Patna
3. The Director (Primary Education) Govt. of Bihar, Patna
4. The Regional Director, NCTE, Bhubneshwar (Orissa) Respondent/s

with



Civil Writ Jurisdiction Case No. 3724 of 2017

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Ansu Kumar, Son of Chandradeo Prasad Singh, Resident of village - Rasulpur, P.O.
Bahachowki, P.S. Maidinichowki, Distt. - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. of Bihar, Patna
2. The Director (Secondary Education), Govt. of Bihar, Patna
3. The Director (Primary Education) Govt. of Bihar, Patna
4. The Regional Director, NCTE, Bhubneshwar (Orissa) Respondent/s

with

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Civil Writ Jurisdiction Case No. 3829 of 2017

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Pawan Kumar Ojha, Son of Ramjee Ojha, Resident of village - Ojha Ke Badheya,
P.S. Jiradai, Distt. - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. of Bihar, Patna
2. The Director (Secondary Education), Govt. of Bihar, Patna
3. The Director (Primary Education) Govt. of Bihar, Patna
4. The Regional Director, NCTE, Bhubneshwar (Orissa)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3839 of 2017

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Rajesh Kumar Singh Son of Binda Singh, Resident of Village/ P.O.- Jadopur
Shukla, P.S.- Jadopur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The Director (Secondary Education), Govt. of Bihar, Patna.
3. The Director (Primary Education), Govt. of Bihar, Patna.
4. The Regional Director, NCTE, Bhubneshwar (Orissa).

.... Respondent/s

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Appearance :

(In CWJC No.4656 of 2015)



For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
For the State : Mr. Uday Prasad, AC to GP 22
For the NCTE : Mr. Sunil Kumar Singh with
Mr. Ranvijay Singh, Advocates

(In CWJC No.3687 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
For the State : Mr. Rajeev Ranjan, AC to GP 20
For the NCTE : Mr. Sunil Kumar Singh with
Mr. Ranvijay Singh, Advocates

(In CWJC No.3720 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey
For the NCTE : Mr. Sunil Kumar Singh with
Mr. Ranvijay Singh, Advocates

(In CWJC No.3724 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey
For the State : Mr. Kameshwar Kumar, GP 17 with
Mr. Arbind Kumar, AC to GP 17
For the NCTE : Mr. Sunil Kumar Singh with
Mr. Ranvijay Singh, Advocates

(In CWJC No.3829 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey
For the NCTE : Mr. Sunil Kumar Singh with
Mr. Ranvijay Singh, Advocates

(In CWJC No.3839 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey
For the NCTE : Mr. Sunil Kumar Singh with
Mr. Ranvijay Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-09-2018



Heard learned counsel for the petitioners; State and N.C.T.E.

2. The basic grievance in these writ petitions is that the petitioners being Trained/TET/STET qualified, untrained persons are being appointed as Primary/Secondary Teachers.

3. In the counter affidavit filed on behalf of the State, a categorical stand is that the Education Department has issued clear-cut guidelines that only Trained Teachers have to be recruited and Untrained Teachers are not to be considered. In the present writ petitions, there is no specific instance as to which recruitment body has violated such norms and who was beneficiary so that the Court may issue notice and hear such persons before passing orders. Thus, the writ petitions being totally vague, no specific relief can be granted in the matter, except for the observation that the contention of the petitioners that Trained/TET/STET candidates have to be considered for such appointment has been accepted and endorsed by the State authorities and, thus, it is incumbent upon the concerned recruitment authorities/bodies also to recruit such persons strictly in terms of the guidelines issued by the State Government. If the same is not done and there are violations, it is for the concerned person who is aggrieved to move before the appropriate authorities/forum, in accordance with law, against such recruitment exercise. If the same is done, the concerned forum /authority shall consider and decide the matter on its own merits, in accordance with law, expeditiously,



within the statutory period.

4. The writ petitions stand disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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