

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7950 of 2017

1. Ajay Kumar, son of Sushil Prasad, Resident of Village- Mangarhatta, P.O.- Sonaiya, P.S.- Hariskhi/Khivhar, District- Madhubani.
2. Ashok Kumar Singh, son of Krishan Dev Singh, Resident of Village & P.O.- Kamlabari (Purab Toal), P.S.- Jaynagar, District- Madhubani 847226.
3. Binod Kumar, son of Surya Nath Yadav, resident of Village- Madhya Kamalawari, P.S.- Bassopatti, District- Madhubani.
4. Praveen Kumar, son of Ram Udgar Yadav, resident of Village- Dorbar, P.S.- Jaynagar, District- Madhubani.
5. Mrityunjay Kumar Singh, son of Siya Ram Singh, resident of Village & P.O.- Narra (Goth), P.S.- Jay Nagar, District- Madhubani.
6. Amresh Kumar Amar, son of Badhyanath Yadav, resident of Village- Badhakant, P.S.- Jay Nagar, District- Madhubani.
7. Manish Kumar, son of Late Ravi Bhushan Prasad, resident of Village- Ghapradhi, P.O.- Kuadh, P.S.- Khajauli, District- Madhubani.847226.
8. Naresh Kumar Yadav son of Nannu Lal Yadav, resident of Village- Charapati, P.O.- Kamlabari, P.S.- Jaynagar, District- Madhubani 847226.
9. Suresh Prasad Suman, son of Bisheshwar Prasad, resident of Village- Pipratol, P.O.- Parba, P.S.- Jay Nagar, District- Madhubani 847228.
10. Shatru Daman Singh, son of Narpudra Pratap Singh, resident of Village- Malgodam Road Jay Nagar, P.S.- Jay Nagar, District- Madhubani.
11. Sanjeev Kumar Yadav, son of Raj Kumar Yadav, resident of Village- Maghbari, P.S.- Jay Nagar, District- Madhubani.
12. Ram Kumar Yadav, son of Shri Rajendra Yadav, resident of Village/P.O.- Kamlabari, P.S.- Jay Nagar, District- Madhbani, Pin- 847226.
13. Mukesh Kumar Yadav, son of Utimlal Yadav, resident of Village- Akouha, P.S.- Jay Nagar, District- Madhubani.
14. Suresh Kumar, son of Ramprit Yadav, resident of Village- Khaira Math, P.S.- Jay Nagar, District- Madhubani.
15. Ranjeet Kumar Rai, son of Ram Prit Rai, resident of Village- Baldhiya, P.O.- Bela, P.S.- Jay Nagar, District- Madhubani.
16. Devanand Mishra, son of Shri Ganga Nath Mishra, resident of Village & P.O.- Shyamshidev, P.S.- Raj Nagar, District- Babubharahi Pin Code- 847235.
17. Pawan Kumar Singh, son of Ram Chandra Singh, resident of Village- Sukkhi, P.S.- Khaujali, District- Madhubani.
18. Vidyanand Sagar, son of Tapeswar Singh, resident of Village- Sukkhi, P.S.- Khaujali, District- Madhubani.
19. Aseshwar Singh Diwkar, son of Namudgar Mahto, resident of Village- Sukkhi, P.S.- Khaujali, District- Madhubani.
20. Pramod Kumar, son of Ramchandra Yadav, resident of Village- Bauhata, P.S.- Kahajauli, District- Madhubani.



21. Sudhir Kumar Singh @ Sudhir Kumar, son of Shita Ram Mahto, resident of Village- Maharajganj, P.S.- Rajnagar, District- Madhubani.
22. Ram Krishna Narayan Singh, son of Rameshwar Narayan Singh, resident of Village- Mokrapur, P.S.- Shakri, District- Madhubani.
23. Bhavesh Kumar Singh, son of Rameshwar Narayan Singh, resident of Village- Mokrapur, P.S.- Shakri, District- Madhubani.
24. Dilip Kumar Pandit, son of Lal Bihari Pandit, resident of Village- Madheya, P.S.- Besfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education Government of Bihar, Patna.
2. The Director Primary Education Government of Bihar, Patna.
3. The Director Secondary Education Government of Bihar, Patna.
4. The Chairman Bihar School Examination Board, Patna.
5. The Secretary Bihar School Examination Board, Patna.
6. The Joint Secretary, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Kameshwar Kumar-GP-17
		Mr. Amit Bhushan, AC to GP-17
For BSEB	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 12-04-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as the Board.

This writ petition has been filed by the petitioners to appoint them on the post of Teacher on account of the fact that the petitioners have passed the TET examination.

TET is only an eligibility test and it does not confer indefeasible right. There may be many reasons for not making appointment. However, if the petitioners have acquired eligibility, which is only valid for a period of seven years, the



respondents are required to initiate selection process so that the eligibility may not go waste. In case there exists vacancy and there is requirement of teachers in terms of the Right to Compulsory Education Act, 2009, to match the teachers-students ratio, the respondents are well advised to initiate selection process to fill up the post in order to cater the need of the students in furtherance of the Right to the Compulsory Education as well as Constitutional obligation under Article 21A of the Constitution of India.

The court hope and trust that the respondents will undertake the selection process at the earliest.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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