

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2383 of 2018

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Anuradha Kumari, Wife of Awadh Kumar, Resident of Village-Diwana, P.O.-
Diwana, P.S.-Karai Parshurai, District-Nalanda at Bihar, Sharif.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director Secondary Education Department, Govt. of Bihar, Patna.
4. The Director Primary Education Department, Govt. of Bihar, Patna.
5. The Director Art and Culture, Govt. of Bihar, Patna.
6. The Chairman, Bihar School Examination Board, Bihar Patna.
7. The Secretary, Bihar School Examination Board, Bihar, Patna.
8. The Director, Bihar School Examination Board, Higher Secondary, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Respondent/s : Mr. M. P. Yadav, GP-23

Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioner and State.

The petitioner has filed the present writ application
for a direction to appoint the petitioner for the post of Music Teacher.

The claim of the petitioner is based on the fact that
the petitioner has passed Teachers Eligibility Test. The apprehension
of the petitioner is that despite acquiring the eligibility test for
appointment, the petitioner's case may not be considered by the
respondents, as they are not holding the selection process.



Passing of eligibility test is valid for seven years and if no recruitment process is conducted by the respondents, then acquiring eligibility test would be frustrated. The respondents are regularly taking steps for recruitment and this Court hopes and trusts that the respondents will take steps for filling up of the post of Music Teacher having regard to the fact that after constitutional amendment and insertion of Article 21(A) of the Constitution of India and framing of Right to Compulsory Education Act, 2009, the respondents are required to take step for filling up the post of Teacher to maintain the teacher and student ratio.

Premature apprehension of the petitioner is misconceived.

Under the aforesaid circumstances, the State is expected to take steps for filling up the post of Music Teacher and the ratio of student and teacher. The Court hopes and trusts that the State will undertake the selection process. However, under the aforesaid circumstances, no positive direction can be issued for appointment of the petitioner against the post of Music Teacher.

The State is meant to be a model Employer is expected to take steps for need of students for undergoing various



courses in the school setup by the Government expeditiously.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	

