

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9174 of 2018

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1. TET-STET Uttirn Niyojit Shikshak Sangh (attached to MahaSangh Gope Gut vide No.-327/14) through its President Namely Markanday Pathak Son of Sri Ashok Pathak Resident of Village-Gola Pakadiya Chiraia Post-Majirwa P.S.-Lakhura Distt.-East Champaran Motihari.
 2. Baleshwar Kumar Yadav son of Yamuna Prasad Yadav Resident of Mohalla- Yaduwanshi Nagar Akhaara Road Digha Ghat P.S.-Digha, Distt.+Town-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar Patna.
2. The Principal Secretary Education Department Govt. of Bihar.
3. The Secondary Education Department Govt. of Bihar Budha Marg Patna.
4. The Director Bihar Secondary Education Department Govt. of Bihar Budha Marg Patna.
5. The National Council For Teacher Education New Delhi through it's member Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate
For the Respondent/s : Mr. Pramod Kumar Singh, AC to SC-16
For the NCTE : Mr. Sunil Kumar Singh, Advocate
Mr. Ranvijay Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-05-2018

Heard learned counsel for the petitioners and the respondents.

The present writ application has been filed on behalf of the petitioners for quashing the Resolution, as contained in Memo No. 51, dated 25.01.2018, whereby the provisions have been made for appointment of Guest Teacher in Nationalized High School and High School so that the classes may not suffer adversely.

The Scheme provided for appointment of trained



teachers and preference is available to those, who have passed the TET examination.

Learned counsel for the petitioner submits that instead of making appointment on daily wage basis, the respondents should only appoint on regular post as Niyojit Teacher.

In the matter of policy decision, the Court is not expected to interfere. Interference is only permissible in case of blatant violation of Article 14 of the Constitution.

Considering the background, in which the respondents have taken decision to appoint Guest Teacher, so that the teaching may not suffer adversely, the Court does not find any arbitrariness in the order.

Accordingly, the writ application is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2018
Transmission Date	

