

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3647 of 2018

Sanjay Rajesh S/o Sudasharath Gupta, R/o Campus Arya Samaj Mandir,
District- Gopalganj, at present working as Assistant Teacher at D.A.V. High
School, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Secondary Education, Education Department, Government of Bihar, New Secretariat, Dist
3. The Regional Deputy Director of Education, Saran Division, Chhapra.
4. The District Education Officer, District- Gopalganj.
5. The Secretary, School Management Committee, D.A.V. High School, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Purusottam Kumar Jha
For the Respondent/s	:	Mr.Umesh Narayan Dubey- Gp27
For respondent no.5	:	Mr. Dharendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State as well as learned

counsel for respondent no.5.

2. Petitioner has filed the present writ application for
recognizing the degree of teachers training.

3. Learned counsel appearing on behalf of the
petitioner with reference to Annexure-2 and 3 would submit that
Principle Secretary, Human Resources Development
Department vide letter no. 1338 dated 4.3.2018 has
communicated to Secretary, BPSC, Patna about the training



qualification which admits two years teachers training, B.Ed/DIP or one year in service teachers training.

4. Learned counsel for the petitioner would submit that petitioner was sent for one year's teachers training vide office order issued by the District Superintendent of Education, Gopalganj dated 17.1.1998. The petitioner joined in service training course of one year in Teachers Training College, Thawe.

5. The petitioner completed training and passed training examination in the year 2004. The petitioner cleared his primary training examination and also passed training examination in first attempt in first division and his result was published in 2005.

6. The respondents in the counter affidavit has questioned the legality and validity of the teachers training of the petitioner.

7. The relevant paras of the counter affidavit of the respondents is quoted below:-

“14. That prior to coming into force of N.C.T.E. Act the qualification/eligibility criteria of a secondary Teacher in the State of Bihar was laid down in Rule-4 of Bihar Rajkiyakrit Madhyamik Vidyalaya (Sewasart) Niayamawali, 1993 which is quoted hereinabove:-



I. That the candidate for the post of Assistant Teacher was required to have degree of graduation from any recognized University in the faculty of Arts, Science of Commerce.

II. The qualification of B.ED/Dip-in-Ed/Dip-in-teach/CT issued by any recognized University, Board recognised by the State Govt, or by the Education Deptt of the State Govt, or equivalent degree of training declared by the State Govt.

The said rules would be placed at the time of hearing, if so required.

16. That so far as letter No. 238 dated 1338 dated 4.3.2008 and letter No. 2866 dated 3.6.2008 (Annexure 2 & 3 of the writ application) are concerned this same relate to such teachers who were appointed prior to enforcement of N.C.T.E Act as per existing provisions and thus it was decided to regularise their services who had already been granted ad hoc promotion on the post of Headmaster in Nationalised High Schools. Thus it is evident that the said letter was not applicable for the candidates for fresh recruitment of teachers in Secondary Schools as at the relevant point of time the N.C.T.E. had already come into operation.

17. That it is well settled that equivalent qualification recognized by the State of Bihar will not be applicable for appointment on the post of teacher such qualification will only



qualify for promotion in case of teacher as has been decided in case of Dimple Kumari vs. State of Bihar CWJC No. 14630 of 2013 disposed of on 20.9.2013 reported in 2014(4) PLJR 142.”

8. Mr. Purusottam Kumar Jha, learned counsel appearing on behalf of the petitioner would submit that petitioner was sent for one year service training under the order of the then Superintendent of Education and he completed training in the academic session 1997-98.

9. The institution in question fromwhere the petitioner has undergone training is Government Training College and as such it does not apply in mouth of the respondents to question the recognition of teachers training courses of the Government Teachers Training College, Gopalganj.

10. In the counter affidavit the respondents have taken plea that the letter contained in Annexure-2 is not applicable to the case of the petitioner on two counts; firstly that the letter which recognizes one year in service training is not now recognized qualification for grant of training status; secondly, after coming into force NCET Act 1995, the recognition of the teacher's training institute is required which is lacking in the institution wherefrom the petitioner has completed one year training courses.



11. On scrutiny of the entire materials on record, the Court finds the stand of the respondents absurd and not applicable in the case of the petitioner.

12. Running of the teachers training courses by the State Government institution and after obtaining such teachers training by the petitioner the respondents cannot take the plea that teachers training instituted of the Govt. is not recognized institution by the NCTC. This absurd proposition is sustainable. The petitioner has done training in institution. More over petitioner has not done that course in the institution but it was respondent District Superintendent of Education (now successor District Programme Officer (Establishment)) who has sent him for training in such institution.

13. Once the petitioner was sent for in service training he cannot be denied the benefit of in service training particularly in the light of Annexure-2 as the petitioner has passed teachers training examination conducted by the Bihar School Examination Board in first division and as such it is not available to the respondents not to grant status of training teachers to this petitioner.

14. The benefit available to the teachers on passing training examination in first attempt must be extended by the



respondents to the petitioner at the earliest preferably within a period of sixty days from the date of receipt/production of a copy of this order with all consequential benefits.

15. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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