

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25004 of 2019

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1. Bimlesh Kumar, Son of Ram Pramod Rai, Resident of village- Dahraul, PS- Rupauli Ghat, District- Darbhanga.
 2. Raushan Kumar Jha, Son of Hare Ram Jha, Resident of village and PO- Kathra, PS- man Nisachi, District- Darbhanga.
 3. Vishnukant Roy, Son of Ram Sagar Rai, Resident of village- Neyam, PS- Hayaghat, District- Darbhanga.
 4. Krishnamohan kumar Yadav, Son of Kailash Yadav, Resident of village- Chakka, jagdish pur, PS- Manigachi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ritika Rani

For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 13-12-2019

Heard learned counsel for the petitioners and the
learned counsel for the State.

2. This writ petition, under Section 226 of the Constitution of India, has been filed for issuance of writ of mandamus to the respondents to fill up 2,02,934 existing posts in the light of advertisement/notification vide memo no. 864 dated 05.07.2019 (Annexure 8 to the writ petition) as per Bihar Panchayat Primary Teachers (Employment and Service Condition) Rules, 2012 and Bihar Municipal Primary Teacher (Employment



and Service Condition) Rule, 2012 from the candidates who have B.E.T.E.T. (Bihar Elementary Teachers Eligibility Test) certificate and restrained the respondents to appoints the applicants having C.T.E.T. (Central Teachers Eligibility Test) certificate permitted to submit applications through letter dated 12.09.2019 (Annexure 10) issued by the Director Primary Education, Government of Bihar.

3. Learned counsel for the petitioners submits that through memo no. 864 dated 05.07.2019 issued by the Deputy Secretary, Education Department, Government of Bihar, Patna, (Annexure 8), qualification and time schedule for appointment of teachers under Bihar Panchayat Primary Teachers (Employment and Service Condition) Rules, 2012 and Bihar Municipal Primary Teacher (Employment and Service Condition) Rule, 2012 was published and accordingly, the persons having qualified in Bihar Elementary Teacher Eligibility Test (B.E.T.E.T) were permitted to submit their applications for appointment of teachers in Primary, Middle and High schools but through notification no. 1098 dated 22.08.2019(Annexure 9), time schedule was changed and later on, through letter no. 1192 dated 12.09.2019 issued by the Director, Primary Education, Government of Bihar (Annexure 10), qualification for appointment of teachers in Primary, Middle and High Schools were changed under Bihar Panchayat Primary



Teachers (Employment and Service Condition) Rules, 2012 and under Bihar Municipal Primary Teacher (Employment and Service Condition) Rule, 2012 inserting persons having Central Teacher Eligibility Test (C.T.E.T) certificate. The grievance of the petitioners is that if the persons having C.T.E.T. certificate will be permitted to submit the applications for appointment of teachers then resident of Bihar having Bihar Elementary Teacher Eligibility Test (B.E.T.E.T) certificate will face much contest in selection and the letter no. 1192 dated 12.09.2019 issued by the Director, Primary Education, Government of Bihar, Patna is against the notification no. 864 dated 05.07.2019 and notification no. 1098 dated 22.08.2019.

4. On going through the writ petition, it appears that in memo no. 864 dated 05.07.2019 issued by the Deputy Secretary, Government of Bihar (Annexure 8) the persons having T.E.T. (Teachers Eligibility Test) certificated were permitted to submit the application for appointment as primary teacher. Later on, through letter dated 12.09.2019 (Annexure 10) issued by the Director Primary Education, Government of Bihar, the persons having C.T.E.T. (Central Teachers Eligibility Test) were also included to apply for the post of teachers. The petitioners and others who have B.S.T.E.T. certificate have not been debarred for applying to the



post of teachers rather the persons having C.T.E.T. (Central Teachers Eligibility Test) certificate are included. As such, I do not find any merit in this writ petition and accordingly, the same stands dismissed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.12.2019
Transmission Date	19.12.2019

