

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23998 of 2018

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Pramod Kumar S/o Shree Jyoti Prasad Singh, R/o Village- Shivpur, P.O.- Shivpur, P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Primary Education Department, Bihar, Sachiwalaya, Patna
3. The Chairman, Bihar School Examination Board, Patna
4. The Secretary, Bihar School Examination Board, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh
For the Respondent/s	:	Smt. Shilpa Singh- GA-12
For the BSEB	:	Mr. Sunil Kumar Mandal, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-01-2020 This petition filed on 12.12.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief/s, which
is reproduced hereinbelow:

“For issuance of writ in the nature of mandamus for
implementation of guideline/circular of Teacher
Eligibility Test (TET) notification dated 23rd August,
2010 under the right of children to free and
compulsory education under sub-section(1) of the



RTE Act, 2009 for per year conduct examination mentioned in prospects 2011 as according to held Bihar Primary Teacher Eligibility 1st terms examination 2011, again respondents had been/has been unfortunately keep delay/pending 3rd terms TET 2018 still. Although 2nd terms TET held on 23rd July, 2017 by Hon'ble Court's order on 16.08.2016 passed in CWJC No. 14221 of 2015 (Annexure-1) when Central Government and other States are taking examination time to time per year for Central School under RTE Act 2009 which should be/will be conducted by the appropriate Government in accordance with the guidelines framed by the NCTE.

In this circumstances, exam. Preparation students age has been/had been overing for time to time, chance for loss expire. So should be must 6 years age extension with session 2018. But respondent has not precise action for TET as yet for quality requirement to recruitment of teacher at the primary and upper primary level back ground and rationale. In accordance with the provisions of sub-section (1) of Section 23 of the RTE Act, the national council for Teacher Education on had vide notification dated 23rd August 2010 laid down the minimum qualifications for a person to be eligible for appointment as a teacher in Class 1 to 8 who has provided that one of the essential for appointment as a teacher in any of the schools (private or Government) as according of Section 2 of the RTE Act which will be conducted by the appropriated in accordance with the guidelines framed by the NCTE. The rationale for including the TET as a minimum



qualification for a person to be eligible for appointment as a teacher is as under:

(I) It would bring national standards and bench mark of teacher quality in the recruitment process.

(ii) It would induce teacher education institution and students from these institutions to further improve their performance standards.

(iii) It would send a positive signal to all stake holders that the government lays special emphasis on teacher quality.

And further for issuance of writ or writs direction or directions as it may deem fit and proper to the facts and circumstances of this case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law,
before the appropriate forum/authority, the same shall be dealt
with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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