

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15993 of 2019

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Santosh Kumar Son of Shri Kameshwar Singh Resident of Village and Post-
Kirhi, P.S.- Karakat (Gorari), Via- Karth, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The National Council for Teacher Education, NCTE, Hans Bhawan, Wing-II, Bhadhur Sah Zafar March, New Delhi.
5. The National Council for Teacher Education through the Regional Director, NCTE, 20/198, Kaveri Path, New Mansarovar Stadium, Jaipur, Rajasthan.
6. The Chairman, Zila Parishad, Patna, District- Patna.
7. The Chairman, Zila Parishad, Arah, District- Bhojpur.
8. The Deputy Development Commissioner-cum- Secretary, Zila Parishad Secondary Teacher Employment Unit, Patna, District- Patna.
9. The Deputy Development Commissioner-cum- Secretary, Zila Parishad Secondary Teacher Employment Unit, Arah, District- Bhojpur.
10. The District Education Officer, Patna, District- Patna.
11. The District Education Officer, Arah, District- Bhojpur.
12. The District Programme Officer, Education (Secondary), Patna, District- Patna.
13. The District Programme Officer, Education (Secondary), Arah, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-12-2020 Heard Mr. Mrityunjay Kumar, learned counsel for the

petitioner and learned AC to SC 13 through Video

Conferencing.

2. The petitioner in this writ petition seeks direction



to the respondent authorities to stop the appointment on the post of Secondary/Senior Secondary Teacher to those candidates who have passed their Secondary/Senior Secondary Teacher Eligibility Test-2011 (hereinafter referred to as STET-2011) as untrained candidates and later on passed their B.Ed. examination as their certificate of STET-2011 was not valid as per N.C.T.E. guidelines and also in the light of order dated 10.02.2012 passed in CWJC No.1938 of 2012 and another analogous cases. The petitioner further seeks directions to the respondents to consider the petitioner for employment/appointment against the post of Secondary School Teacher as the petitioner has passed STET-2011 examination as a trained candidate.

3. Learned counsel for the petitioner drew my attention towards the judgement/order of this court passed on 10.02.2012, which reads as follows:-

“Needless to state that the candidature of any untrained candidate at such eligibility test for the Secondary and Senior Secondary level shall have to remain subject to the outcome of the orders that may be passed by the N.C.T.E. on the request for exemption stated to have been made by the State Government. If exemption is declined such candidates cannot be considered for appointment.”

4. Learned counsel for the petitioner submits that such candidates, who are untrained but passed STET-2011, have



been appointed.

5. Learned counsel for the State fairly stated that there was a large number of vacancies and the candidates belonging to the reserved category were not available, thereafter the State Government made request to N.C.T.E. for granting exemption to such candidates, who belonged to reserved category. The N.C.T.E. granted exemption for appointment of such reserved category candidates, who had passed STET-2011 but were not trained, on the post of teachers. Learned counsel for the State has very specifically stated in para 11 of the counter affidavit that now no question arises for further recruitment of untrained candidates on the post of teachers although they have qualified STET.

6. Having considered the submissions of both sides and on perusal of the record, it is crystal clear that the State has taken a policy in view of a large number of vacancies of teachers and non-availability of such candidates, who got trained, to get exemptions from N.C.T.E. so that they may appear in STET. The N.C.T.E. granted relaxation to such reserved category and on the basis of such exemption only such candidates, who were untrained but have been passed STET, were appointed on the post of teachers and that exemption was



only one time measure. Now the N.C.T.E. has already prescribed many qualifications for appointment on the post of teachers. A person, who is not a trained, cannot be allowed to appear at the STET. Therefore, such person cannot be appointed on the post of teacher. Thus, I find no merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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