

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19880 of 2019

Manvotkarsh, Jai Shiv Bigha, Ekangarsarai, District- Nalanda through its President namely Kaushal Kumar alias Kaushalendra Sinha, Male, aged about 45 years, Son of Late Bindeshwar Prasad, Resident of Village- Jai Shiv Bigha, P.s.- Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

1. The Union of India Human Resources Development Department, Ministry of School Education and Literacy, Shastri Bhawan, New Delhi
2. The Additional Secretary (E.E.) II, New Delhi
3. The State of Bihar
4. The Additional Chief Secretary-cum-Principal Secretary Department of Education, Govt. of Bihar, Patna
5. The Deputy Secretary to the Government Department of Education, Govt. of Bihar, Patna
6. The Director Primary Education, Department of Education, Bihar, Patna
7. The National Council of Teachers Education Statutory Body, Govt. of India
8. The Under Secretary Regulation, N.C.T.E., New Delhi
9. The National Institute of Open Schooling and Autonomous Institution under MHRD Govt. of India
10. The Director Evaluation, National Institute of Open Schooling, Noida (U.P.)
11. The Secretary Evaluation, National Institute of Open Schooling, Noida (U.P.)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranvijay Singh, Advocate
For NCTE	:	Mr. Rajesh Kumar Verma, ASG Mr. Sunil Kumar Singh, Advocate Mr. Sashank Chandra, Advocate
For the U.O.I.	:	Mr. S.D. Sanjay, ASGI Mr. Priya Ranjan, CGC
For the State of Bihar	:	Mr. Ashutosh Ranjan Pandey, AAG-15

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 31-01-2020 Petitioner has prayed for the following relief:



“For quashing the letter containing NCTE-Reg. 1011/166/2017-US (Regulation)-HQ/81645 dated 06-09-2019 issued under the signature of Under Secretary, Regulation whereby by the NCTE (Statutory body of Government of India) the Additional Chief Secretary, Education Department, Govt. of Bihar on the subject clarification regarding appointment of Primary Teachers possessing D.El.Ed (ODL) qualification from NIOS, it has been directed that as per the notification of NCTE the minimum qualification for the appointment of teachers is 2 years Diploma in elementary education and by the order dated 22-09-2017 the D.El.Ed (ODL) programme of NIOS is only for those untrained teachers in Government/Government aided/Private unaided Schools appointed on or before 10-08-2017, the duration of this programme is 18 months hence for the fresh appointment for teachers of Primary and upper primary level the notification dated 23-08-2010 and 29-07-2011 need to be strictly adhered to as also to quash the letter bearing no. 1188 dated 11-09-2019 issued under the signature of Director, Primary Education, communicating to all District Education Officer/all District Programme Officer (Establishment) on the subject recognition of D.El.Ed Degree granted by NIOS for the appointment on the post of elementary school teacher, it has been communicated/informed that in view of Bihar Sate Panchayat Teacher (Employment and Service Condition), Rule 2012 steps have been taken for the



appointment/employment of teachers in elementary school of the State in year 2019-20 and for the appointment in elementary school two years D.El.Ed degree is essential and by concerned letter it has been informed that for the appointment on the post of teacher as per notification of NCTE dated 23-08-2010 and 29-07-2011 two years Diploma in Elementary Education is required in that circumstance and as such untrained teachers working in elementary schools (Government/Government aided/Private unaided Schools but has received the training D.El.Ed in service 18 months conducted by NIOS such training certificate will not be recognized for the appointment in elementary education and for issuance of a writ in the nature of mandamus directing and commanding the respondents to recognize the D.El.Ed (ODL) teachers training certificate and direct the concerned authorities with respect to the same and not debar teachers working in Government/Government aided/Private unaided Schools to apply for the employment as elementary teachers in as Panchayat teacher/Nagar Nikai Teacher and allow them to apply for the appointment and consider their teachers training degree (D.El.Ed) as recognized degree.”

After the matter was heard for some time, learned counsel for the petitioner submits that in view of the position, as has emerged in law, the present petition has outlived its purpose



and, as such, be disposed of.

Ordered accordingly.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

P.K.P./-

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