

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22157 of 2019

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Garima Mishra, Daughter of Chandra Kishore Mishra Resident of Village and
Post Office- Mahinath Nagar, Police Station- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director Primary Education, Education Department, Government of
Bihar, Patna.
3. The District Magistrate Vaishali.
4. The District Education Officer Vaishali.
5. The Block Development Officer-cum- Member Secretary Block
Appointment Authority, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parijat Saurav
For the Respondent/s : Mr.Prabhakar Jha (GP27)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-01-2020

Heard the learned counsel for the petitioner and
the State.

The petitioner has approached this Court for a
direction to the respondents to appoint her on the post of
Block Teacher for Class VI to VIII with all consequential
benefits in the Middle School under Block Appointment
Authority, Hajipur.

It appears that the petitioner applied along with
others for being appointed as a Block Teacher.



At that time, approximately 405 candidates found their way in the merit-list but were not offered appointment because they had a degree of B.Ed issued from the University of Jammu and Kashmir, which was not recognized in the State of Bihar.

A Bench of this Court, considering the claim made by the aforesaid persons, directed for keeping aside the vacancy till the issue of recognition of B.Ed. Degree issued from the University of Jammu and Kashmir was finally decided.

Later, the matter travelled up to the Supreme Court wherein it was held that by virtue of amendment in the Bihar Rules, the B.Ed. Degree issued from the University of Jammu and Kashmir was recognized, and keeping this in mind, the Supreme Court observed that if benefit has been given on the basis of the aforesaid degree to some, it may be extended to others in the same category.



Emboldened by this judgement of the Supreme Court which has been annexed with this petition, the petitioner has approached this Court.

There is a large gap in the claim of the petitioner. At that time the petitioner did not fall in the select group of candidates in the merit-list so prepared.

It has been submitted on behalf of the petitioner that because of the non-consideration of her B.Ed. Degree issued from the University of Jammu and Kashmir, she could not come under the zone of the consideration and therefore she was not included in the merit-list.

This assertion does not appear to be correct as many persons with B.Ed. Degree issued from the University of Jammu and Kashmir, even before its recognition as a valid degree, were found to be suitable and were placed in the merit-list, who were later given the appointment.

Thus the claim of the petitioner that if her B.Ed. degree issued from the University of Jammu and Kashmir



is taken into account, she would come in the merit-list, entitling her to be appointed as Block Teacher, does not appear to be correct.

The prayer made on behalf of the petitioner therefore is rejected.

However, it would be open for the petitioner to approach the authority and offer her candidature on the ground that many posts of Block teachers are vacant and since she has a valid / recognized degree.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	24.01.2020
Transmission Date	

