

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23000 of 2019

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1. Ram Ratan Singh, aged about 39 years, Male, Son of Sri Awadh Narayan Singh, resident of Village- Phulli, Post Office- Pipra Sakara, P.S. Kudra, District- Kaimur at Bhabua.
 2. Brajesh Kumar Singh, aged about 39 years, Male, Son of Vikrama Singh, Resident of Village- Usari, P.O. Akorhi, P.S. Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director (Secondary Education), Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 23761 of 2019

1. Shashi Shanker Singh, Male, aged about 39 years, S/o Lt. Sri Jagdish Narayan Singh, R/o Village-Khamhauri, PO Rajapur Pasiwar, P.S. G.B. Nagar, District-Siwan.
2. Rashek Kumar, Male, aged about 38 years, S/o Shri Shambhu Pandey, R/o Chakalhadad, PS Vishali, District-Vaishali.
3. Vidhanshu Kumar Jha, Male, aged about 38 years, S/o Vijay Kumar Jha, R/o Village-Goait, PO Dihuli, PS-Sakara, Dist-Muzaffarpur.
4. Rajeev Kumar Sood, Male, aged about 41 years, S/o Virendra Kumar Sood, R/o Om Niwas, Shiv Shankar Path, Club Road, Mithanpura, PS Mithanpura, District-Muzaffarpur.
5. Upendra Kumar, Male, aged about 38 years, S/o Sudama Singh, R/o Village Jasauli Pakauli, PO Pachrukhi, PS Pachrukhi, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
4. The Director (Secondary Education), Education Department, Govt. of Bihar.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 23000 of 2019)

For the Petitioner/s : Mr.Ashok Kumar Garg

For the Respondent/s : Mr.Smt.Binita Singh (Sc28)

(In Civil Writ Jurisdiction Case No. 23761 of 2019)

For the Petitioner/s : Mr.Chandra Kant

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 23-01-2020 Heard both sides.

In both the writ petitions, the petitioners seek quashing of the decision/order as contained in Memo No.1995, dated 07.11.2019 issued under the signature of Additional Chief Secretary, Education Department, Bihar, Patna to the extent only where the respondent authority has held that the age relaxation to the computer teacher would be given after completion of six phase teachers employment.

The facts bereft of unnecessary details are that the petitioners have passed STET Examination of 2012 and are eligible for appointment of teachers in 4th, 5th and 6th phase of appointment of teachers. Some of the computer teachers filed CWJC No.17509 of 2019 and CWJC No.1605 of 2017. This Court by order dated 28.08.2019, passed in CWJC No.17509 of 2019 considered the facts that even after the government has decided to appoint teachers in the 6th phase from the successful candidates of STET Examination of 2012 and earlier the successful candidates



in the subject of Music, Fine Art, Dancing, Computer Application were not considered for appointment and accordingly directed the respondents to consider the case of relaxation of age. This Court also vide order dated 15.03.2018, passed in CWJC No.1605 of 2017 directed to grant age relaxation. In pursuance thereof, an order as contained in Memo No.1995, dated 07.11.2019 has been issued. Clause 4(i) of the order says that the age relaxation for the successful candidates of STET Examination 2012 for the subject of Dancing, Fine Art (Lalitkala), Computer and Physical Education shall be granted till 2021 but the age relaxation shall be effective after completion of the 6th phase teachers appointment.

Learned counsel for the petitioners submits that the petitioners are otherwise eligible for appointment in the 6th phase also but by unreasonable and illogical order even after giving age relaxation up to 2021, the respondents have decided to give age relaxation to the petitioners after completion of 6th phase teachers appointment.

Learned counsel for the State submits that there are five steps in the selection process, i.e., (i) submission of application (ii) preparation of provisional list (iii) after objection preparation of final list (iv) document verification and (v) issuance of employment letter. It is further submitted that the respondent authority has issued notification on 28.10.2019 by which the date



was fixed for document verification from 02.12.2019 to 05.12.2019. The last date for issuance of appointment letter was 30.12.2019 and 31.12.2019. The name of the petitioners did not find place in the provisional merit list of different units. If the petitioners are allowed to be considered in the 6th phase of appointment, the entire process has to be undertaken afresh.

Having considered the submissions of both sides, I find that admittedly the Government has decided to make appointment in different subjects such as Fine Art, Dancing, Music, Computer Application, Physical Education from the successful candidates of STET- 2012 in the 6th phase of teachers appointment but some of the successful candidates of STET-2012 of the subjects mentioned above crossed their maximum age in the year 2019, since no appointment in those subjects was made from the successful candidates of STET-2012. No subsequent STET Examination was held in the aforesaid subjects. In pursuance of the order passed by this Court in CWJC No.17509 of 2019 and CWJC No.1605 of 2017, the Government of course relaxed the upper age limit but put unreasonable restriction that the maximum age relaxation shall be given up to 2021 but after appointment made in 6th phase. On the face of it, it appears that the restriction that the candidates who have crossed the maximum age limit shall not be considered for 6th phase teachers appointment although their candidature shall be



considered for appointment in the 7th phase likely to be taken in the year 2020, is not by any stretch of imagination appears to be logical and reasonable and there is no rational behind such bar, that although such candidates should be considered for appointment granting maximum age limit but for sixth phase teachers appointment they shall not be considered, however they are otherwise eligible, therefore, that part of the order as contained in Memo No.1995, dated 07.11.2019 issued under the signature of Additional Chief Secretary, Education Department, Bihar, Patna is quashed. The respondents are directed to consider the case of the petitioners and similarly situated other persons for appointment in the 6th phase of teachers in different subjects after giving age relaxation.

The writ petition is allowed accordingly.

(Prabhat Kumar Jha, J)

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