

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17817 of 2015**

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Rashmi Singh, W/o Purushottam Kumar, D/o Balram Singh, resident of Village Balchand Bigha, P.S. Bain, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna.
4. The District Education Officer, Nalanda.
5. The Chief Executive Officer, Zila Parishad, Nalanda.

... .. Respondent/s

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With

**Civil Writ Jurisdiction Case No. 12466 of 2015**

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Rani Singh, D/o Balram Singh, resident of Village Balchand Bigha, P.S. Bain, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna.
4. The District Education Officer, Nalanda.
5. The Chief Executive Officer, Zila Parishad, Nalanda.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 17817 of 2015)

For the Petitioner/s : Mr.Amar Nath Singh, Advocate

For the Respondent/s : Mr. Sharad Kumar Sinha, GP-15

(In Civil Writ Jurisdiction Case No. 12466 of 2015)

For the Petitioner/s : Mr.Amar Nath Singh, Advocate

For the Respondent/s : Mr.S.K. Sharma, GA-1

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      03-08-2021

The matter has been taken up for hearing online



because of COVID-19 pandemic restrictions.

2. The petitioners have acquired bachelor degree from Indira Gandhi National Open University (IGNOU). They did not have the Intermediate qualification at the time of their admission for the Graduation course of IGNOU. A programme, viz., Bachelor Preparatory Programme (BPP) is admittedly a six months' course organized by IGNOU for preparing candidates to pursue their Bachelor degree course. Such programme is meant apparently for only such students who want to pursue Graduation degree course but do not have passed 10+2 examination.

3. They are aggrieved by the orders passed on 09.01.2015 by the District Teacher Employment Appellate Authority, Nalanda in Appeal No. 20 of 2014 and 21 of 2014 wherein their claim of inclusion of their names in the merit-list for appointment to the post of Secondary School Teacher, *Zila Parishad*, Nalanda of 2012 has been rejected on the ground that BPP cannot be treated Intermediate or 10+2 course. They are also seeking quashing of letter dated 18.09.2012, issued by the Director, Secondary Education, wherein it has been recorded that the BPP course is not valid for consideration for appointment to the post of Secondary School Teacher. The



petitioners claim that they hold Bachelor of Art qualification from IGNOU, B.Ed. qualification from Magadh University and have qualified in State Teacher Eligibility Test, 2011.

4. There is no dispute that Intermediate qualification is one of the basis for selection to the post of Secondary School Teacher in *Zila Parishad*. The short question these writ petitions involve is as to whether completion of BPP by the petitioners while pursuing their Graduation course in IGNOU can be treated to be 10+2 qualification or equivalent to 10+2 qualification. Learned Appellate Authority, Nalanda has rejected the claim of the petitioners that their BPP qualification should be treated as 10+2 qualification.

5. Learned counsel for the petitioners has submitted that there is no valid reason for denying equivalence of BPP qualification with Intermediate or 10+2 qualification, which the petitioners completed before beginning their Graduation course in IGNOU.

6. Learned State counsel, on the other hand, has submitted that there is no legal infirmity in the impugned order, as BPP is merely a preparatory programme for preparing candidates to pursue their Graduation course if they do not have Intermediate/ 10+2 qualification. It is a short preparatory



programme of six months which can, by no stretch of imagination, be treated equivalent to 10+2 course. He has submitted that Bihar *Zila Parishad Madhyamic avam Uchhata Madhyamic Sikshak (Niyojan avam Sewa Sart) Niyamawali*, 2006 provides specifically, calculation of merit points of candidates to be ascertained on the basis of marks obtained in Matric, Intermediate, Graduation, Post-Graduation and B.Ed. courses. The petitioner's could not have been given any credit for their BPP course for the purpose of determination of their merit points for their appointment as Teacher in *Zila Parishad*.

7. In my opinion, power to make appointment vested in a competent authority includes power to prescribe qualification and to determine a reasonable, objective basis for selection by assigning due weightage against qualification possessed by candidates participating in the process of selection. It is within the exclusive domain of the executive to prescribe a particular qualification as the basis for process of selection till such prescription is irrational and completely unreasonable.

8. I do not find any merit at all in these applications. There is absolutely no reason why a short preparatory programme for Bachelor course should be treated equivalent to 10+2 course. The impugned orders do not suffer from any



illegality requiring this Court's interference.

9. These applications are completely misconceived  
and are accordingly dismissed.

10. There shall be no order as to costs.

**(Chakradhari Sharan Singh, J)**

Rajesh/-

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