

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7446 of 2020

1. Manoj Kumar Son of Ram Sufal Singh Resident of Village and P.O.- Batra, P.S.- Nanpur, Dist.- Sitamarhi. BSITET Roll No.- 1606110635.
2. Ashwini Kumar Son of Ashok Kumar Singh Resident of Village - Kumarpur, P.O.- Katahara, P.S.- Suitanganjh, Dist.- Bhagalpur. BSITET Roll No.- 0801110276.
3. Kumar Shri Ram Son of Nandlal Rai Resident of Village - Lahaladpur, P.O.- Bahurara Gopi Singh, P.S.- Rajepur, District - East Champaran. BSITET Roll No.- 2513111141.
4. Gautam Kumar Son of Gauri Shankar Prasad Resident of Soni Enterprises, Murari Chaowk, Ward No.- 13, Sheohar, P.O. and P.S.- Sheohar, District- Sheohar. BSITET Roll No.- 2101110242.
5. Satya Narayan Son of Ram Upendra Ram Resident of Village- Rampur Majhauya, P.O.- Rasalpur, P.S.- Dumra, Dist.- Sitamarhi. BSITET Roll No.- 1708110448.
6. Ajeet Kumar Son of Anil Kumar Srivastaw Resident of Village - Ramgarhwa Bazar, P.O.- Ramgarhwa, P.S.- Ramgarhwa, District- East Champaran. BSITET Roll No.- 2001110274.
7. Gajendra Singh Son of Wakil Choudhary Resident of Village- Dewatiya, Post- Amehta, P.S.- Agiaonbazar, District- Bhojpur, BSITET Roll No.- 2704110354
8. Ramnaresh Prasad Son of Dinesh Prasad Resident of At and P.O.- Ramgarhws, District - East Champaran. BSITET Roll No.- 2006110870.
9. Mahesh Kumar Son of Baleshwar Prasad Resident of Village- Firozapur, P.O.- Ugawan, P.S.- Asthawan, District- Nalanda. BSITET Roll No.- 2606110244.
10. Namita Kumari Daughter of Raghubansh Mishra Wife of Shiv Chandra Jha, Resident of Village - Vidyapati Nagar Ward No. -10 P.S. and P.O. and District- Araria. BSITET Roll No.- 1507118625.

... .. Petitioner/s

Versus

1. The State of Bihar The Chief Secretary, Government of Bihar, New Secretariat Patna.
2. The Chief Secretary, Government of Bihar, New Secretariat Patna.
3. The Principal Secretary Human Resource Department, New Secretariat Patna, Bihar.
4. The Principal Secretary Department of Education, Government of Bihar, Patna.
5. The Director Secondary Education, Government of Bihar, Patna New Secretariat, Patna.
6. The Director Senior Secondary Education, Government of Bihar, Patna New Secretariat, Patna.
7. The Bihar School Examination Board Through its Chairman, Patna.
8. The Chairman Bihar School Examination Board.
9. The National Council for Teacher Education Through its Chairperson, New Delhi.



10. The Chairperson The National Council for Teacher Education, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent/s : Mr. M.M. Jha, AC to GP 27

For the BSEB : Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

Date : 28-01-2021

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar School Examination Board (herein after referred to as ‘the BSEB’)

The petitioners have filed the instant application for following reliefs :

“1(i) For quashing the order dated 11.6.2020 issued under the signature of respondent Deputy Secretary by which the selection for sixth phase is going on depriving the petitioners even to be considered for that very post although the petitioner are suitable candidates who has completed their B.Ed degree in 2017-2019.”

“(ii) For issuance of an appropriate writ in the nature of certiorari commanding the respondent authorities to quash the letter contained in Memo no. 2381 dated 27.12.2019 issued under the signature of the respondent Director, Secondary education, Department of Education, Government of Bihar, whereby and where under the petitioners, who qualified for Secondary/Senior Secondary Teacher Eligibility Test (BSITET) 2011 (hereinafter



refer to as BSITET) conducted by the respondent Bihar School Examination Board (hereinafter referred as Board), Patna, who could not fulfill the terms and condition of sub clause III of Clause 8 of the guideline issued by the Board for BSITET.”

“(iii) For issuance of an appropriate writ in the nature of mandamus commanding the respondent authorities to consider the case of the petitioners for appointment on the post of secondary and senior secondary teachers in their respective employment units of different Zila Parishad, Nagar Nigam, Nagar Parishad & Nagar Panchayat.”

“(iv) For direction upon the respondent authorities to keep sub clause iii of clause 8 of the guideline 2011 in abeyance in view of the Regulation for B.Ed Two Years Degree Programme by National Council for Teacher Education.”

“(v) For direction upon the respondent authorities to publish the merit list of all the districts of Bihar including the Patna District and conduct the counseling and conclude the process of selection at an early date.”

“(vi) for declaration that depriving the petitioners to be considered for appointment on the post of secondary and senior secondary teachers in their respective employment units of different Zila Parishad, Nagar Nigam, Nagar



Parishad & Nagar Panchayat in the garb of not having one year B.Ed. Degree within 5 years in terms of Sub Clause III of Clause 8 of the guideline issued by the Board is arbitrary and not sustainable in the eyes of law in the facts and circumstances of the case mentioned herein below.”

“(vii) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.”

The case of the petitioners in brief is that in the year 2011 Secondary/Senior Secondary Teachers' Eligibility Test (for short ‘STET 2011’) was conducted by the BSEB wherein guidelines (hereinafter referred to as ‘the guidelines of 2011’) (Annexure 1) has been issued. Clause (8)(ka)(iii) of the guidelines of 2011 prescribed that after passing the qualifying STET 2011 it will be necessary for the candidates to pass one year B.Ed. degree within a period of five years for being considered for selection as secondary/senior secondary teachers. In the year 2015 the one year B.Ed. course was extended to two year course by the National Council for Teachers Education (hereinafter referred to as ‘the NCTE’). The petitioners appeared in the examination conducted by the BSEB in the year 2012 and their results were



published on 14.6.2012 and of some petitioners on 28.6.2013. It is stated that the validity of the STET 2011 which was for a period of seven years, was extended for further two years by order contained in memo no. 1084 dated 26.6.2019 (Annexure 4). It is further stated that a notification contained in memo no. 1142 dated 1.7.2019 was issued under the signature of the Deputy Secretary wherein directions were given to fill secondary and senior secondary teachers as the validity of the STET 2011 had been extended by two years. Vacancies were published by different employment units through out the State and the petitioner submitted their applications in the prescribed form for being selected on the post of secondary and senior secondary teachers. It was further submitted that in view of the letter dated 10.12.2014 (Annexure 2) of the NCTE, the duration of the B.Ed. course having been changed from one year to two years from the academic sessions 2015-2016, the petitioners could not obtain their B.Ed. degree within five years and obtained their B.Ed. degree only in the session 2017-2019.

It is submitted by learned counsel for the petitioners that vide order dated 11.6.2020 (Annexure 8) issued under the signature of the Deputy Secretary, Education Department selection for 6th phase of teachers was to take place but the



petitioners were being deprived of the same only on the ground that they had not obtained their B.Ed. degree within five years as required in clause 8(ka)(iii) of the guidelines of 2011. It is finally submitted by learned counsel for the petitioners that even when the petitioners had cleared their STET 2011 in June, 2013, the session of 2017-2019 when the petitioners completed their B.Ed. course would be the 5th session from their date of result of STET 2011. Thus, it is prayed by the petitioners that the order dated 11.6.2020 (Annexure 8) and the later dated 27.12.2019 (Annexure 9) be quashed and the respondent authorities be directed to consider the petitioners for appointment on the post of secondary and senior secondary teachers in their respective employment units and for other reliefs as stated above.

Counter affidavit has been filed on behalf of the respondents nos. 3 to 6 and reply to the same has been filed on behalf of the petitioners. It is the case of respondent nos. 3 to 6 that the petitioners are the STET 2011 qualified candidates who, as per the guidelines of 2011 were required to obtain their one year B.Ed. degree within the prescribed time limit of five years. As per the case of the petitioners themselves they completed their B.Ed. degree in 2019 in the session 2017-2019. Not having obtained the B.Ed. degree within a period of five years as



required as per clause 8(ka)(iii) of the guidelines of 2011, they could not be considered for appointment in the 6th phase recruitment process in light of the direction as contained in memo no. 2381 dated 27.12.2019 issued by the Director, Secondary Education whereby the recruitment units were directed not to consider the case of the candidates who had not completed their B.Ed. course within five years. It was further submitted that the computation of five years had to be made from the date of publication of the result of STET 2011 i.e. in 2012. Further, with respect to the change in duration of the course of B.Ed. from one year to two years, it was submitted that the said change came pursuant to the letter dated 10.12.2016 of the NCTE effective from the academic session 2015-2016. Thus, the petitioners, from their results of STET 2011 having been published in June 2012 and June 2013 had the opportunity to complete their B.Ed course, in the sessions 2012-2013, 2013-2014, 2014-2015, 2015-2017 and with respect to some of the petitioners also 2016-2018. It is submitted that there is no illegality in the decision of the respondents and the petitioners have not made out any case for interference by this Court and thus the writ application was fit to be dismissed.

It is submitted by learned counsel appearing for the BSEB



that from perusal of clause 8(ka)(iii) of the guidelines of 2011 it would be evident that for the candidates of the State of Bihar, as per the said guidelines permission had been granted not only to candidates having degree of graduation and post graduate degree but also to those who had completed their session or had appeared in the examination, the only condition being that they should obtain their one year degree of B.Ed. within five years. It is submitted that thus, the petitioners did not even need to wait for their graduation degree for appearing in the STET 2011, the only requirement thereafter being of obtaining their B.Ed. degree within five years.

Having heard learned counsel for the parties and on going through the materials on record, the relevant facts which transpire are that clause 8(ka)(iii) of the guidelines of 2011 clearly provides that the candidates will have to obtain their one year B.Ed degree after qualifying the STET 2011. The fact not in dispute with respect to the petitioners is that the result of STET 2011 of the petitioners was published on 14.6.2012 (Annexure 3 series) and the result of some of the petitioners was published in June 2013. As per clause 8(ka)(iii) of the guidelines of 2011 the petitioners should have obtained their B.Ed. degree within five years i.e. not later than June 2017 and



for some June 2018. Not having obtained their B.Ed. degree within the time prescribed the petitioners were rightly not considered for the post of secondary and senior secondary teachers in the 6th phase. With respect to the contention of the petitioners that the petitioners could not obtain their B.Ed. degree within five years because of the change in duration of the course from 1 year to 2 years, the Court does not find any merit in the same for the reason that the said change came about by the letter dated 10.12.2014 (Annexure 2) of the NCTE with effect from the academic session 2015-2016 and the petitioners having completed their teachers eligibility test in June 2012 or 2013, had all opportunities to complete their B.Ed. degree within five years as required in clause 8(ka)(iii) of the guidelines of 2011 by completing the same in the sessions 2012-2013, 2013-2014, 2014-2015, 2015-2017 or 2016-2018.

Thus, there being no merit, the writ application is dismissed.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

