

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5282 of 2020

Priyanka Raj daughter of Raj Ram Choudhary Resident of Mahishi North
ward no. 9, P.S. Mahishi District Saharsa .. Petitioner

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.
- ... Respondents

Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar Mishra
For the State	:	Mr.Subash Chandra Mishra (Sc16)
For the Board	:	Mr. Satyabir Bharti, Adv.
For the NCTE	:	Mr. Sunil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 01-12-2022 Heard the parties.

The petitioner has passed her B.Ed course in session 2017-19. She has also cleared her TET examination in 2012.

Learned counsel for the petitioner has invited attention to a judgment passed by a coordinate Bench of this Court in C.W.J.C. No. 1987 of 2020 decided on 9th February,



2022 and specifically to the direction (II) passed therein in paragraph 54 of the judgment to submit that the petitioner is required to be declared as eligible as the validity of the TET examination 2011 and declared in 2012 shall remain in force for life time.

In view thereof, learned counsel points out that there is no cut-off date remaining for the purpose of considering the eligibility. Learned counsel for the State does not object to such a proposition and in view of the instructions received from the office of the Education Department whose senior official, Abdus Salam Ansari, Deputy Director, is present in Court states that after the amendment made in the National Council for Teacher Education (NCTE) Regulation, the State Government has also issued a Circular on 22.06.2021 declaring the STET certificate to be valid for life. Accordingly the Special Secretary-cum-Director, Education Department, Government of Bihar, has issued an order on 21.04.2022 declaring the candidates who have passed the B.Ed. Examination in 2017-19 to be eligible for participation in the 6th phase selection process. Copy of the order dated 21.04.2022 is taken on record.

I have considered the submissions. The coordinate Bench of this Court in C.W.J.C. No. 1987 of 2020 (Preeti Priya & Ors. Vrs. the State of Bihar & Ors.) and analogous cases observed as under :



“54 :

(I).....

(II) *Candidates whose results have been published in the year 2012 but they have enrolled themselves in the B.Ed. course in session 2017-19 notwithstanding that they have obtained the B.Ed. degree prior to the cut-off date shall not be eligible but they shall have the liberty to approach the concerned respondent for considering their cases also for selection / appointment as they have obtained their B.Ed. degree prior to the last / cut-off date. In such cases, if a suitable representation is made before the authorities, it shall be adverted to and an order shall be passed either rejecting or accepting their claim, which shall be made known to the petitioners without any delay and preferably before the selection process is concluded. The authorities concerned shall while taking a decision in that regard shall also take into account, as submitted by the learned counsel for the petitioners, that no eligibility test for appointment of teachers has been conducted after 2011 and that precisely for this reason, the results have been made valid for life. Any suitable representation with respect to relaxation of age of the candidates who would fall in such category, is also expected to be considered favourably.*

The State Government has thereafter issued the
aforementioned Circular dated 21.04.2022 and declared all the



candidates who passed B.Ed course in batch 2017-19 to be eligible for the 6th phase teachers selection.

This Court finds that after the State Government has issued order dated 22.06.2021 declaring STET certificate as valid for life all the candidates who possess the requisites educational qualification for the purpose of appointment of a teacher, namely, having certificate of STET/TET and B.Ed up to the last date of application form shall be eligible to participate in the 6th phase selection process and there can be no distinction drawn solely on the basis of the year when they passed the B.Ed examination or the TET examination.

With the said observations the writ petition is **allowed** with direction to the respondents to consider the application of the petitioner for the purpose of participation in the 6th Phase selection process.

The assistance of Abdus Salam Ansari, Deputy Director, Education Department, Government of Bihar, is appreciated.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 9

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