

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3339 of 2018

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Kumari Ashwni Singh @ Ashwni D/o Sushil Kumar Singh, R/o Village-
Yadopur Road Sareya, P.O.P.S.- Gopalganj, District- Gopalganj, at present
posted at Rajkiya Primary School Mangalpurkala.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Deptt. Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. District Teachers Appointment Appellate Authority, District West
Champaran Bettiah.
5. The District Magistrate, West Champaran, Bettiah.
6. The District Education Officer, West Champaran, Bettiha.
7. The District Programme Officer, Education, West Champaran Bettiah.
8. The State Appellate Authority, Patna.
9. The Block Development Officer, Nautan, District- West Champaran Bettiah.
10. Panchayat Secretary, Gram Panchayat Raj Mangalpur Kala, Block- Nautan,
District- West Champaran, Be
11. Mukhiya Gram Panchayat Raj, Mangalpur Kala, Block Nautan, West
Champaran, Bettiah.
12. Panchayat Teacher Employment Committee, Mangalpur Kala, Block-
Nautan, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Adv.
For the Respondent/s : Mr.Kameshwar Kumar -Gp17

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 3 12-07-2022
1. Heard the parties.
 2. Admittedly, the petitioner did not possess the
requisite qualification for teaching Classes from 1st to 5th in
terms of the N.C.T.E. guidelines, which requires a candidate to
pass T.E.T. Paper-I, while the petitioner has passed T.E.T. Paper-

II and was eligible to be employed as Block Teacher for Classes 6th to 8th.

3. Learned counsel for the petitioner submits that the petitioner was employed as Panchayat Teacher as Class 1st to 5th by the respondents and she cannot be held responsible for the same.

4. I have considered the submissions, the qualification for teaching Elementary Classes namely from 1st to 5th are different from that of classes for Secondary Level or Upper Primary Level i.e. from 6th to 8th.

5. Keeping in view above, it is found that the petitioner does not possess the said qualification for teaching classes from 1st to 5th. She, therefore, could not have been appointed by the Panchayat Employment Unit as a Panchayat Teacher. She is always free to apply and seek appointment on the post of Block Teacher i.e. for teaching Classes from 6th to 8th.

6. The order of the District Appellate Authority dated 25.04.2017 as well as the order passed by the State Appellate Authority dated 08.09.2017, therefore, do not warrant any interference.

7. However, it is made clear that as the petitioner was already selected, she would be considered for appointment on

the post of Block Teacher, the Middle Schools against a vacant post and the dismissal of this writ petition as well as the orders passed by the State Appellate Authority and District Appellate Authority shall not come in the way for the above purpose. For appointment in Block Teacher, she would be also entitled to continuity in service.

8. The writ petition is accordingly partly allowed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 27

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