

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13688 of 2021

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Meera Singh Wife of Parmatma Singh Resident of Village- Nerui Ekdanga,
P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Human Resources Development Department, Govt. of India, New Delhi.
2. The Secretary, Human Resources Department, New Delhi.
3. The Additional Secretary, Ministry of Human Resources, New Delhi.
4. The Secretary, Department of School Education and Literacy, Ministry of Human Resources Development, Government of India, Shashtri Bhawan, New Delhi.
5. The National Institute of Open Schooling, A-24/25, Institutional Area, Sector- 62, NOIDA, Gautam Buddha Nagar, UP- 201309.
6. The Principal Secretary, Education Department, Patna, Bihar.
7. The Director, Primary Education, Education Department, Patna, Bihar.
8. The District Education Officer, Gopalganj.
9. The District Program Officer, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prince Kumar Mishra, Adv.
For the U.O.I.	:	Mr. Anshuman Singh, Adv, CGC
For the State	:	Mr. Jitendra Kr. Roy-1, SC-13 with Mr. Bijay Bhushan, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 09-01-2023

1. Heard the parties.

2. Learned counsel for the petitioner submits that the petitioner has passed the training but scored less than 50% marks in the Intermediate examination.

3. Keeping in view, the observations made in C.W.J.C. No. 16214 of 2019 (**Md. Ataur Rahman & Ors. Vrs.**



The Union of India & Ors.) and Analogous Cases, dated 19.10.2022, in **Category B** at para-19, learned counsel submits that the same order be passed in the case of the petitioner.

4. Learned counsel for the respondents Mr. Jitendra Kumar Roy-1 and Mr. Anshuman Singh, do not object to the said proposition.

5. In para 19 of the C.W.J.C. No. 16214 of 2019 (**Md. Ataur Rahman & Ors. Vrs. The Union of India & Ors.) and Analogous Cases**, this Court has held as under:-

“19. Amongst the present bunch of teachers, those who have already undergone the training and their result has been withheld for one reason or the other, shall now become eligible only if they have passed the training course. In view of candid statement made by the learned counsel for the N.I.O.S. pointing out that the requirement of obtaining 50% at the Intermediate level has been done away with, it is expected from the N.I.O.S. to declare the results of the teachers within a period of 15 days henceforth and if the teachers have already passed the training course, they shall be given the same benefit as given to the teachers of category ‘A’ namely that they shall be treated as freshly appointed teachers from the date they have acquired



the training and from the date result is declared and have passed the examination and will be allowed to continue. Their earlier period of service shall not be counted for any purpose at the same time no recovery shall be made from the salary which they have drawn.”

6. Keeping in view above, the writ petition of the petitioner is allowed to the aforesaid extent.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 9

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