

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9800 of 2022

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Dilip Kumar Mishra S/o Late Kamlesh Mishra School Name Project Girls School, Sherghati, P.S. Sherghati, District-Gaya, R/o-Village Dakhner, P.S. Paraiya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Human Resources, Government of Bihar, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, District-Gaya.
4. The District Magistrate, District-Gaya.
5. The District Education Officer at Gaya, District-Gaya.
6. The Principal Project Girls School, Sherghati, P.S. Sherghati, District-Gaya.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 8886 of 2022

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Md. Haidar Ali Son of Dm. Mojibur Rahman, date of birth 15.04.1958, School Name Sahid Chandranath Girls High School, Gorhari, District - Sitamadhi R/o Village Machpakuni, Ward No. 09, P.S. - Bela, District - Sitamadhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Human Resources, Government of Bihar, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Magistrate, District- Sitamadhi.
5. The District Education Officer at Sitamadhi, District- Sitamadhi.
6. The Principal, Sahid Chandranath Girls High School, Gorhari, District- Sitamadhi.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 9027 of 2022

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Wajhul Qamar aged about 60 years, date of birth 12.03.1962, Gender- Male, son of Sk. Abdul Qaiyum, School Name Plus 2 Project Girls High School, Bairampur, Darbhanga, resident of At P.O. Kanhai, P.S. Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Human Resources, Government of Bihar, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Magistrate, District- Darbhanga
5. The District Education Officer at Darbhanga, District- Darbhanga.
6. The Principal, Plus 2 Project Girls High School, Bairampur, Darbhanga.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9032 of 2022

Md. Hasibur Rahman S/o SK. Anul Haque, date of birth 16.04.1960, School Name Plus 2 Project Girls High School, Jokihat, Araria, District- Araria, R/o Village Malchhari, Ward No. 06, P.O. Pathwabari, P.S. Jokihat, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Human Resources, Government of Bihar, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Purnia Division, Purnia.
4. The District Magistrate, District - Araria.
5. The District Education Officer at Araria, District - Araria.
6. The Principal, Plus 2 Project Girls High School, Jokihat, Araria, District- Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10011 of 2022

Kaushal Kishore Pandey S/o Paras Nath Pandey, School Name Jangi Bhagat Vishwanath Prasad Chaurasia Project Girls High School, Adapur, P.S. Adapur, District - East Champaran, presently working at RHS Gaighat, Harsiddhi, P.S. Harsiddhi, District - East Champaran, R/o Village Raghunathpur, Ward No. 6, P.S. - Turkaulia, District - East Champaran.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary , Department of Human Resources, Government of Bihar, Patna.
2. The Director, Secondary Education, Human Resources Development Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Magistrate, District - East Champaran.
5. The District Education Officer at Motihari, District - East Champaran.
6. The Principal, RHS Gaighat, Harsiddhi, P.S. Harsiddhi, District - East Champaran.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 9800 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 8886 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

(In Civil Writ Jurisdiction Case No. 9027 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Respondent/s : Mr.Prabhakar Jha (Gp 27)

(In Civil Writ Jurisdiction Case No. 9032 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp 23)

(In Civil Writ Jurisdiction Case No. 10011 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

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

ORAL ORDER

4 17-01-2023 Heard the parties.

In the present cases also the petitioners have prayed to treat their Acharya/Fazil degree as sufficient to treat them as trained teachers.

This Court has held that for the purpose of treating a person as trained teacher he must possess a qualification of being trained in education as required under the National



Council for Teacher Education Act and under the Right to Education Act.

Learned counsel has attempted to distinguish the aforesaid judgment by relying upon the view taken by a coordinate Bench in C.W.J.C. No. 23424 of 2012, dated 11.10.2018, to submit that the coordinate Bench has recognized Acharya as a sufficient qualification to be treated as a trained teacher.

I have carefully gone through the judgment passed by the coordinate Bench and find that the coordinate Bench was never pointed out by the concerned counsel that the respondents have granted recognition of service as trained teacher and accordingly it passed the order directing the respondents to treat Acharya qualification as a sufficient as trained. There is no discussion relating to the nature of qualification of Acharya which is equivalent to a graduation whereas for the purpose of training in Sanskrit studies the qualification for Shiksha Shastri, which is equivalent to B.A.

Keeping in view thereto, this Court finds that the order passed by the coordinate Bench has not examined the aspect as dealt by this Court in the aforesaid judgment. The same is therefore treated as *per incurium* and would not be



treated as a precedent for considering Acharya as a qualification
for treating a person as trained teacher.

The writ petitions are accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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