

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9888 of 2022

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Bhaskar Uberia Son of Krishana Singh, Resident of Village - Uber, Police Station - Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Jehanabad.
5. The Block Development Officer, Ghosi, Jehanabad.
6. The Block Education Officer, Ghosi, Jehanabad.
7. The Principal Government Middle School, Korma, Ghosi, Jehanabad.
8. The District Programm Officer, (Estb.) Jehanabad.
9. The Member Teacher's Employment Appellate Authority, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 10-01-2023

1. Heard the parties.

2. Learned counsel for the petitioner submits that the petitioner was selected as untrained Block Teacher and directed to join vide order dated 07.03.2020, whereafter he has joined his duties and is also drawing salary. A letter has been issued by the respondent on 13.11.2020, whereby the petitioner has been sought to be removed on the basis that he is untrained.

3. Learned counsel submits that the petitioner is



entitled to be given a chance to complete his training and should not be removed from services.

4. In C.W.J.C. No. 16214 of 2019 (**Md. Ataur Rahman & Ors. Vrs. The Union of India & Ors.) and Analogous Cases**, decided on 19.10.2022 this Court has held as under:-

“Category A:-

18. It is made clear that those who have failed and have not acquired training till date would not be allowed to continue as they are ineligible to teach and their services shall be terminated in terms of the order of the State Government. As and when they acquire training, they will be free to participate in the subsequent selection which may be conducted by the State Government and considering their part service of the State Government may grant them one time age relaxation.”

“Category H:-

01. After having examined generally the facts of each case, this Court finds that the directions as issued herein above for each category would also govern the petitioners. Herein, it is for the State Government



to examine facts of each and every teacher in terms of the order passed above. The petitioners would be free to make individual appropriate representation mentioning their own facts and the authority above as designated by the Director Education shall after referring to the directions of this Court in the preceding para's pass a speaking order.

02. State Government considering the directions issued herein above, would also take decision with reference to the present petitioners. In spite thereto, if any grievance of any individual person is not meted out, he or she shall be free to individually file an appeal before the concerned District Appellate Authority for redressal of his or her grievance.”

5. Keeping in view above and considering that there is a cut off date on 31.03.2019 for completing training and the same is applicable to all in terms of provisions of the R.T.E. Act, 2009. Merely because the petitioner has joined subsequently, he can not be given any benefit and services cannot be continued.

6. However, as observed in C.W.J.C. No. 16214 of



2019 (Md. Ataur Rahman & Ors. Vrs. The Union of India & Ors.) and Analogous Cases, if the petitioner completes his training, he should participate in subsequent selection.

7. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 11

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