

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10043 of 2022

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Durgesh Kumar Mandal Son of Late Shukdeo Prasad Mandal, Resident of Village-
Dhanifulsara, P.O.- Matiyari, Police Station and Block- Terhagachh, District-
Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Kishanganj.
4. The District Education Officer, Kishanganj.
5. The District Programme Officer, (Establishment), Kishanganj.
6. The Block Development Officer, Terhagachh, District- Kishanganj.
7. The Block Education Officer, Terhagachh, District- Kishanganj.
8. The Executive Officer-cum Member Secretary, Block Teacher Employment Committee, Terhagachh, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Rana, Adv. Mr. Ram Sagar Singh, Adv.
For the State	:	Ms. Namrata Singh, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 02-02-2023 1. Learned counsel for the respondents states that the salary has already been released up to the time he has been working, however the same is subject to his acquiring the training.

2. Considering that the issue involved in the present writ petition stands finally adjudicated by this Court in **Category B of C.W.J.C. No.16214 of 2019 (Md. Ataur Rahman & Ors. Vs. Union of India & Ors. and analogous cases)** decided on 19.10.2022, as reported in **2023(1) BLJ 176**, this Court has held as under:-



“18. Keeping in view above, the present bunch of petitioners, who have not acquired their training as on 31.03.2019 are held to be ineligible to hold the post of teacher after 31.03.2019 in the Primary Schools.

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.



20. As regard the teachers, who have failed in the examination, the view taken as above, shall apply to them and, their services are liable to be terminated. However, it is for the State government to take a view whether those who passed the supplementary examination should be allowed to continue as freshly appointed teachers or not or otherwise they shall be allowed to participate in the fresh selections which may be conducted by the State Government. Such teachers who would be allowed to participate, in fresh selections will be given benefit of age relaxation considering that they were working on the post with a promise that they will be allowed to complete their training rendered out by the State Government.”

3. The aforesaid judgment and orders passed hereinabove shall apply mutatis mutandis to the case of the petitioner too.

4. The writ petition is disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 25

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