

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12202 of 2014

1. Kumar Manish, Son of Parmanand Sahu, At- Shri Nagar, P.O.- Chharrapatti, Via- Sahebpur Kamal, District- Begusarai Bihar
2. Bibhash Kumar, Son of Ram Sagar Prasad Yadav, At- Kumarchakki, Post- Rahimpur, P.S.- Muphsil, District- Khagaria
3. Rambha Kumari, Daughter of Uma Shankar Prasad Yadav, At- Anand Bhawan, Azad Nagar, Ward No. 20, Madhepura
4. Vikash Kumar, Son of Sachchidanand Prasad, Resident of village P.O.- Orhanpur, District- Nawada
5. Rajesh Kumar, Son of Mr. Narendra Kumar Jha, Resident of Village- Basudeva, P.O.- Ram Krishna Dubiyahi, Via- Giddha, District- Muzaffarpur
6. Satya Narayan Sahani, Son of Munshilal Sahani, At- Amasaur, P.O.- Bhore Jayramo, P.S.- Khanpur, District- Samastipur
7. Hemant Kumar, Son of Jagdev Sahu, At P.O.- Bihari, Via- Madhwapur, District- Madhubani
8. Shailendra Kumar, Son of Bir Prakash Chaurasia, At- Mushkipur Rasalpur, P.O.- Jamalpur Gogri, District- Khagaria
9. Arvind Kumar, Son of Devnandan Mahto, At- Baghi, Ward No. 11, P.O.- Suhir Nagar, District- Begusarai
10. Ram Kumar, Son of Sri Deo Narayan Sah, Resident of Village Post- Khutauna Shastri Chowk, Via- Khutauna, P.S.- Khutauna, District- Madhubani
11. Revati Raman, Son of Roopkant, Resident of Village- Kafan, P.O.- Kafan, Choudhary, Via- Bochahan, District- Muzaffarpur
12. Hemlata Kumari, Wife of S.K. Singh, C/o- M.K.M. Public School, Larkaniya Tola, Katihar
13. Shashi Bharati, Wife of Nishikant, D/o Anuplal Mandal, Resident of Village P.O.- Bahadurpur Kalisiman, Thana- Zeromile, Sabour, District- Bhagalpur
14. Hrishikesh Garg, Son of Shri Ramchandra Thakur, Resident of Mohalla- Gangwara, P.O.- Saramohanpur, District- Darbhanga
15. Praveen Kumar, Son of Prabhu Narayan Yadav, At P.O.- Saidpur, P.S. Via- Mansi, District- Khagaria
16. Ashish Kumar, Son of Anil Kumar Roy, At- Samir Nagar, P.O.- Koshi College, P.S.- Muffasil, Ward No. 25, District- Khagaria
17. Vijay Kumar Sinha, Son of Gurudeo Sinha, At- Nandgola, P.O.- Patharghatta, P.S.- Antichak, District- Bhagalpur
18. Pramendra Kumar Arjun, Son of Surendra Krishna Suman, Resident of Village- Chukti, P.O.- Mansi, District- Khagaria
19. Rajesh Kumar, Son of Vilas Prasad Yadav, Resident of Village- Chukti, Ward No. 13, P.O. P.S.- Mansi, District- Khagaria
20. Kumari Khushboo, Daughter of Anil Kumar Singh, Wife of Raj Kamla, At



P.O.- Bahadurpur, P.S.- Zero Mile, District- Bhagalpur

21. Rakesh Kumar Yadav, Son of Ramvilash Yadav, At- Pokharaia, P.O.- Danauli Fulwaraia, P.S.- Balia, Vila- Lakhminia, District- Begusarai
22. Manjeet Singh Chauhan @ M. Chauhan Son of Brahmdeo Singh, Resident of Village- Sanhauli, P.O.- Sanhauli, P.S.- Chitragupta Nagar, District- Khagaria
23. Lalan Kumar, Son of Arvind Prasad Yadav, At Post- Balaha Bazar, Via- Mansi, District- Khagaria
24. Santosh Kumar, Son of Arvind Kumar Singh, Resident of Village- Bishanpur, Post- Bishanpur, Via- Semapur, District- Katihar
25. Jay Prakash Singh, Son of Shyam Bihari Singh, Resident of Village Post- Hethua, P.S.- Rajpur, District- Buxar
26. Prem Chandra Jha Son of Baue Lal Jha, Resident of Village Post- Lorika, P.S.- Benipatti, District- Madhubani
27. Ranjeet Kumar, Son of Rajendra Mehta, At- Maheshpur, P.O.- Samda, P.S.- Sour Bazar, District- Saharsa
28. Madhulika Kumari, D/o Damodar Prasad Yadav, wife of Deep Narayan Kumar, Resident of Village P.O.- Thatha Near Durga Mandir, P.S.- Mansi, District- Khagaria
29. Soni Kumari, Wife of Shravnish Kumar, Resident of Village- Dudhpura, Post- Mangalgarh, P.S.- Hasanpur, District- Samastipur
30. Gunjan Kumar Son of Mukund Choudhary, At- Mohanpur Road Nanku Sthan, Post- Kashipur, P.S.- Muffasil, District- Samastipur
31. Jyoti Priya, D/o Prahalad Pandey, Resident of Village Post- Pakri, Road No. 1, Via- Anisabad, District- Patna
32. Sharad Chandra Shrivastava, Son of Shri Ashesh Prasad Shrivastava, Resident of Village- Chichari Bujurg, P.O.- Raj Nagar, District- Madhubani
33. Ranjan Kumar Choudhary, At- Kurha, Post- Sahebpur Kamal, District- Begusarai
34. Razi Haidar, Son of Md. Anis, At Post- Loma, Via- Sharfuddinpur, P.S.- Gaighat, District- Muzaffarpur
35. Vijay Kumar Sah, Son of Shri Shyam Sunder Prasad Sah At Post- Supaul, Via- Basudeopur Chandel, District- Samastipur
36. Ravi Ranjan Mishra, Son of Ram Awdhesh Mishra, At- Babhn Bigha, Post- Rampur Waoaina, P.S.- Parasi, District- Arwal
37. Shambhu Prasad Yadav, Son Sri Ram Charitra Yadav, AtPost- Chilmil, Via- Rajaura, P.S.- Muffasil, District- Begusarai
38. Niranjana Roy, Son of Ram Balak Roy, Resident of Village Post- Madhavpur, Via- Naya Gaon, P.S.- Parbatta, District- Khagaria
39. Pankaj Kumar, Son of Damodar Prasad Yadav, At- Sondipi Diyara, Post- Parmanandpur, Via- Lakhaminia, District- Begusarai
40. Dinesh Prasad, Son of Daya Ram Raut, Resident of Village Post- Rakhwari, Via- Radupur, District- Madhubani



41. Shiv Kumar, Son of Sri Rajeshwar Sah, Resident of Village Post-Basudeopur Chandel, P.S.- Mahnar, District- Vaishali
42. Navin Kumar, Son of Umakant, At- Sardartola, Post- Gulabbag, District- Purnea
43. Abhinaw Kumar Aniket, Son of Badri Prasad Das, At- Rampur Naya Tola, Post- Belwa, P.S.- Ranipatra, District- Purnea
44. Ranjan Kumar, Son of Muni Lal Mandal, At- Near Budhia Hospital Jain Mandir Road, Nathnagar, Bhagalpur, District- Bhagalpur
45. Ankush Kumar, Son of Ranvir Mandal, At- Bahattara, Post- Raghopur, P.S.- Parbatta, District- Bhagalpur
46. Madhusudan Kumar Singh, Son of Bidya Nath Singh, At Post- Bhalua, P.S.- Barhria, District- Siwan
47. Gautam Kumar, Son of Ram Sewak Singh, At Post- Naya Nagar, Via- Mangalgarh, P.S.- Hasanpur, District- Samastipur
48. Kamlesh Kumar Singh, Son of Manoranjan Kumar Singh, Resident of Village- Tali Bujurg, Post- Tali, District- Siwan
49. Rupam Kumari, D/o Raj Kishore Singh, Add- Rajo Patti, Dumra Road, Near I.B. Sitamarhi
50. Archana Kumari, wife of Shambhu Prasad, At Post P.S.- Kanhauli Bazar, Via- Bhutahi, District- Sitamarhi
51. Kumar Satyavrat, Son of Prahlad Pandit, Resident of Village- Dharupura, Post- Dharupur, P.S.- Bikramganj, District- Rohtash
52. Chunchun Kumar, Son of Narayan Rajak, At- Kamalpur Ward No. 20, Post- Khagaria, District- Khagaria
53. Ambika Kumar Singh, Son of Sri Prabhu Narayan Singh, Resident of Village- Kamalpur, Ward No. 17, Post- Khagaria, District- Khagaria
54. Pratap Bhanu, Son of Hare Krishna Das, At- Maheshpur Post- Samda, P.S.- Sour Bazar, District- Saharsa
55. Madhulika Shekhar, D/o Shashi Shekhar Prasad Sahu, Add- Congress Office Road Near Satsang Bhawan, Post- Teghra, District- Begusarai
56. Santosh Kumar, Son of Sri Ram Chandra Sah, At Post- Basudeopur Chandel, P.S.- Mahnar, District- Vaishali
57. Akhilesh Kumar, Son of Arjun Prasad Singh, Resident of VillagePost- Sughari, District- Nawada
58. Mamta Kumari, D/o Ajay Kumar Chaurasia, RResident of Village- Kamalpur, PostP.S.District- Khagaria
59. Rakesh Kumar Pandey, Son of Bipin Bihari Pandey, Resident of Village Post- Jaitpur, P.S.- Daudpur, District- Saran
60. Alok Kumar, Son of Sri Lakshmi Prasad, Resident of Village- Jagdishpur, Post- Jamalpur, District- Munger
61. Chandan Kumar, Son of Manoj Kumar Yadav, At Post P.S.- Forbesganj, District- Araria
62. Arbind Kumar, Son of Chandra Nand Mehta, At Post- Mirzapur Kothi, Via-



Meriganj, P.S.- Simraha, District- Araria

63. Kiran Kumari, Wife of Sunil Kumar,' At- Bengali Tola, Ward no. 24, Post P.S.- Forbesganj, District- Araria
64. Raman Kumar Mandal, Son of Fuleshwar Mandal, At Post- Parmanandpur, P.S.- Raniganj, District- Araria
65. Vijay Kumar, Son of Rajendra Prasad, At- Saho Khar, Post P.S.- Soh Sarai, District- Nalanda
66. Arun Parashar, Son of Harendra Prasad Singh, At- Madho Bihari Lane, Salempur, District- Chapra
67. Chandrasekhar Azad, Son of Matukdhari Rai, At Post- Mohanpur, P.S.- Patori, District- Samastipur
68. Barun Kumar Sharma, Son of Suresh Prasad Sharma, At Post- Chakla Moula Nagar, Via- A.G. Bazar, District- Katihar
69. Rajeev Ranjan, Son of Ramawtar Lal Bhagat, At- Near Oil Depot Road, Naya Tola, PostP.S.District- Katihar
70. Rupam Kumari, Wife of Ranvijay Kumar Singh, At Post- Govind Bahilwara, P.S.- Saraiya, District- Muzaffarpur
71. Pradeep Kumar Sah, Son of Late Laxmi Sah, At- Kahalgaon, Post- Dharhara Mela, P.S.- Kateya, District- Gopalganj
72. Alok Kumar, Son of Pran Mohan Sah, Resident of Village- Tirasi, Post-Suktiya Bazar, P.S.- Gopalpur, District- Bhagalpur
73. Rabindra Kumar Das, Son of Sri Bitto Das, Resident of Village- Jamalpur, Post P.S.- Bihpur, District- Bhagalpur
74. Ravi Kumar, Son of Rajendra Prasad Bhagat, Resident of Village- Mil Tola, Post- Naugachia, District- Bhagalpur
75. Sujata Kumari, D/o Surendra Thakur, Wife of Rajesh Kumar, Resident of Village- Bajranjpuram Road No. 1, Rewa Road, Bhagwanpur, District- Muzaffarpur
76. Navin Kumar, Son of Sri Rajendra Prasad Jaiswal, At- Mill Tola, Post- Naugachia, District- Bhagalpur
77. Abhay Kumar Singh, Son of Ashok Kumar Singh, Resident of Village- Jamalpur, Post- Bihpur, District- Bhagalpur
78. Basant Kumar, Son of Sadanand Prasad Singh, Resident of Village- Naya Tola Bajitpur, Post- Mirjapur Bandwar, Ward No. 44, P.S.- Muffasil, District- Begusarai
79. Avinash Kumar, Son of Kamlesh Kumar Lal, Add- Near Railway Institute Station Road, District- Samastipur
80. Rupesh Kumar Prasad, Son of Prabhu Nath Prasad, Resident of Village- Sahasa, Post- Rampur Lowa, Via- Mora, P.S.- Bhagwanpur Hat, District- Siwan
81. Sushma Singh, C/o Sri Harendra Prasad Singh, Add- Madho Bihari Lane, Salempur, Chapra, District- Chapra
82. Navin Kumar Yadav, Son of Basudev Prasad Yadav, At- Sadpur, Post- Panchrukhi, P.S.- Sakhund, District- Bhagalpur



83. Pawan Kumar, Son of Bhubneshwar Sahu, At- Lagma, Post- Tariyama, P.S.- Simri Bakhtiyarpur, District- Saharsa
84. Jai Prakash, Son of Baldeo Prasad, Resident of Village- Pratappatti, ward No. 10, Post- Kurnowl, District- Muzaffarpur
85. Meena Kumari D/o Hari Shankar Chaubey, Resident of Village Post- Khirauli, P.S.- Dumraon, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-cum-Principal Secretary, Human Resources Department, Government of Bihar, Patna
3. The Principal Secretary, Education Department, Government of Bihar, Patna
4. The Director, Secondary/ Senior Secondary Education, Government of Bihar, Patna
5. The Deputy Director, Secondary/ Senior Secondary Education, Government of Bihar, Patna
6. The Joint Secretary, Secondary/ Senior Secondary Education, Government of Bihar, Patna
7. The Director, Primary Education, Government of Bihar, Patna
8. The Deputy Director, Primary Education, Government of Bihar, Patna
9. The Director, Research and Training, Government of Bihar, Patna
10. The National Council for Teachers Education through its Chairman, Having its Headquarter at Hans Bhawan, Wing II, 1, Bahadur Shah Zafar Marg, New Delhi- 110002
11. The Chairman, the National Council for Teachers Education, New Delhi
12. The Member Secretary the National Council for Teachers Education, New Delhi
13. The Regional Director, National Council for Teachers Education (Erc), Neelkanth Nagar, Bhubneshwar, Orissa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mrs. Ritika Rani, Advocate Mr. Vardaan Mangalam, Advocate
For the Respondent/s	:	Mr. Ajeet Kumar, SC-28

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 12-10-2023

1. Heard learned counsel for the parties.



2. The petitioners have filed the instant application for the following relief(s):-

“1.I. For quashing the order vide memo no. 362 dated 01.03.2013 as contained in Annexure issued under the signature of Joint Secretary, Senior Secondary Education, Government of Bihar respondent no.5 by which a decision has been taken that the candidates who have obtained degree of Bachelor of Education from the University of Jammu & University of Kashmir where the National Council of Teachers Education Act 1993 hereinafter referred to as NCTE Act 1993 is not applicable/ extended, will not be considered to be fulfilled the minimum eligibility for appointment to the post of Teachers Secondary/ Senior Secondary Education in the State of Bihar.

II. Also for declaring that the letter vide memo no. 362 dated 01.03.2013 issued under the signature of Joint Secretary, Secondary/ Senior Secondary Education, Government of Bihar, Patna as contained in Annexure-8 whereby a decision has been taken the candidates who have obtained the degree of Bachelor of Education from the University of Jammu & University of Kashmir where the NCTE Act 1993 is not applicable/ extended is applicable in the State of Bihar for fulfilment of the eligibility for appointment to the post of Teachers in the Secondary/Senior Secondary Education, Government of Bihar is illegal, void and bad in law.

III. Also for appropriate direction to the State Authorities for allowing the candidates to



participate in the process of selection and counselling for appointment to the post of Teachers considering the certificate issued by the University of Jammu & University of Kashmir is valid as certificate of Bachelor of Education granted by the other institutions in other States recognized under the NCTE Act 1993 and not give and effect of Annexure-in any manner against the petitioner.

IV. Also for directing the respondents to give all consequential benefit and benefit of seniority and monetary benefit considering the merit position in the final merit list from the date of joining of the persons who has below in the position of merit list of the petitioners.

V. Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner will be entitled in the law as well as in the facts of the case.”

3. Learned counsel for the petitioners submits that the respondents have filed a counter affidavit in the case (oath dated 12.2.2018) bringing on record Annexure-A, the notification dated 12.4.2017, in relation to amendment to the Bihar District Board, Secondary/Higher Secondary Teachers (Employment and Service Condition) Rules, 2006 and the Bihar Municipal Bodies Secondary/Higher Secondary Teachers (Employment and Service Condition) Rules, 2006 by which the B.Ed. degree awarded from the Universities situated in the Jammu & Kashmir



have been recognised as admissible requisite qualification. Learned counsel for the petitioner further submits that the Hon’ble Supreme Court has also taken note of the said notification in its order dated 18.1.2019 passed in SLA (C) no.139 of 2015 (Ashesh Kumar and etc. vs. The State of Bihar and Ors. etc.).

4. In view of the above notification dated 12.4.2017 of the Education Department, Government of Bihar, nothing remains in the instant writ application and the same is disposed of.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	16.10.2023
Transmission Date	N/A

