

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.117 of 2024

In

Civil Writ Jurisdiction Case No.2354 of 2022

Punam Devi W/o Ramadhar Ram, R/o Village - Binji, P.S. - Korha, District - Katihar at present working as Panchayat Teacher Newly Created Government Primary School, Brindabari, Block - Kadwa, District - Katihar.

... .. Appellant/s

Versus

1. The Union of India Through the Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
2. The Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
3. The Director (Evaluation), National Institute of Open Schooling, A-24-25, Institutional Area, Sector-62, Noida-201308 (U.P.).
4. National Institute of Open Schooling, through its Regional Director, Lalit Bhawan, Bailey Road, Patna.
5. The Regional Director, National Institute of Open Schooling, Lalit Bhawan, Bailey Road, Patna.
6. The Additional Secretary-cum-Conducting Officer, National Institute of Open Schooling (NIOS) Bailey Road, Patna.
7. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
8. The Principal Secretary, Education Department, Government of Bihar, Patna.
9. The Director, Primary Education, Government of Bihar, Patna.
10. The District Magistrate, Katihar, District- Katihar.
11. The District Education Officer, Katihar, District- Katihar.
12. The District Programme Officer, Establishment (Education), Katihar, District - Katihar.
13. The Block Education Officer, Block - Kadwa, District - Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar, Advocate
For the Respondent/s : Mr.Additional Advocate General 13

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-07-2024



The judgment referred to in the impugned order has been challenged successfully in an appeal. In the appeal filed in L.P.A. No. 748 of 2022 and analogous cases, the following directions were issued :-

“41. On the interpretation given by us to Section 23(1), we issue the following directions:-

- 1. those who were appointed prior to 01.04.2010 who have acquired the teaching qualification on or before 08.08.2021 would be entitled to be continued;*
- 2. the results withheld, when declared, if it relates back to the period before 08.08.2021, those persons should be continued in employment;*
- 3. the issuance of certificates also would have to concede to the date of publication of results; which if published before 08.08.2021, those persons will be deemed to have been continued;*
- 4. the unqualified teachers who were appointed during the relaxation period, i.e. between 01.04.2010 and 31.03.2015 will also be deemed to have been continued, if they have acquired the teachers training qualification; the minimum qualification, on or before 08.08.2021.*
- 5. The persons, who were appointed after 31.03.2015, if are unqualified will have to be terminated even if, they have acquired the qualification within 08.08.2021; since their appointment itself is invalid. There could not have been any unqualified persons appointed after 31.03.2015.*
- 6. Those who were in place as teachers on 01.04.2010 and then on 31.03.2015, if not acquired the qualification before 08.08.2021 will stand terminated.”*

2. A Special Leave to Appeal (C) No. 10872 - 10898 of 2024 (Md. Tanzim Reza & Ors. vs. The Union of India & Ors.) is filed before the Hon’ble Supreme Court in which there is a



status quo order passed.

3. The appellant shall also be regulated by the *status quo* order if continued in service and eventually by the disposal of the Special Leave to Appeal.

4. The Letters Patent Appeal is disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

