

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.354 of 2023

In
Civil Writ Jurisdiction Case No.14980 of 2022

-
-
1. Saera Bano @ Sayara Bano D/o Md. Irfan, W/o Shoukat, R/o Village and P.O.- Khaira, P.S.- Shahkund, District- Bhagalpur, at Present Posted as Panchayat Teacher at Government Primary School, Rasalpur (Urdu), Block- Rajoun, District- Banka.
 2. Nitesh Kumar Singh S/o Late Maheshwar Prasad Singh R/o Village and P.O.- Bhitia, P.S.- Phulidumar, District- Banka, At Present Posted as Panchayat Teacher at Government Primary School, Angrajor, Block and District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The State Council for Educational Research and Training (SCERT), Bihar, Mahendru, Patna, through its Director.
5. The Director, State Council for Educational Research and Training (SCERT), Bihar, Patna.
6. The Bihar School Examination Board (BSEB), Patna through its Secretary.
7. The Chairman, Bihar School Examination Board (BSEB), Patna.
8. The Secretary, Bihar School Examination Board (BSEB), Patna.
9. The District Magistrate, Banka, District- Banka.
10. The District Education Officer, Banka, District- Banka.
11. The District Programme Officer, Establishment (Education) Banka, District- Banka.
12. The Block Development Officer, Rajoun-cum-the Member Secretary, Block Teachers Employment Committee, Rajoun, District- Banka.
13. The Block Education Officer, Banka, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar, Advocate
For the Respondent/s : Mr.Apurva Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY



ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-07-2024

1. 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)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.07.2024
Transmission Date	

