

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4313 of 2022

Prity Kumari Wife of Binit Kumar, Permanent resident of village- Manichak, Block - Islampur, P.S. - Islampur, District - Nalanda, presently residing at Ward No. 22, C- 187 2A, Khetri Rural Jhunjhunu, P.S. - Khetri Nagar, District - Jhunjhunu, Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Jehanabad.
4. The District Education Officer, Jehanabad.
5. The District Programme Officer, Jehanabad.
6. The Block Development Officer, Hulasganj, Jehanabad.
7. The Block Education Officer, Hulasganj, Jehanabad.
8. The Panchayat Secretary, Panchayat Raj Tirra, Block - Hulasganj, District - Jehanabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4401 of 2022

Laxmi Kumari Wife of Amit Kumar Permanent resident of Village- Manichak, Block- Islampur, P.S.- Islampur, District- Nalanda, presently residing at Ward No.22, C-187 2A, Khetri Rural Jhunjhunu, P.S.- Khetri Nagar, District- Jhunjhunu, Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
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4. The District Education Officer, Jehanabad.
5. The District Programme Officer, Jehanabad.
6. The Block Development Officer, Hulasganj, Jehanabad.
7. The Block Education Officer, Hulasganj, Jehanabad.
8. The Panchayat Secretary, Panchayat Raj Dawathu, Block- Hulasganj, District- Jehanabad.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4313 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate

For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 4401 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate

For the Respondent/s : Mr. Madhaw Prasad Yadaw (Gp 23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-11-2024 Heard learned counsel for the parties.

2. These writ applications have been filed for the following reliefs:-

(i). For quashing the letter No. 1693 dated 30.10.2021 received by the petitioner on 29.01.2022 issued under the signature of District Education (Respondent Officer, Jehanabad No. 4) whereby and whereunder the selection of the petitioner on the post of Panchayat Elementary Teacher has been cancelled on the ground that the certificate / degree obtained by the petitioner for the course of Teacher Training has not been recognized by NCTE, ignoring the fact that the University of the petitioner from which the petitioner done the course of Teacher Training is a deemed university and there is no requirement of recognition by the NCTE for the certificate / degrees awarded by the deemed university and in several pronouncement of the Hon'ble Apex Court and Hon'ble High Court, it has been held that there is no requirement of recognition of NCTE to a certificate / degree granted by the deemed university.



(ii). For a direction to the respondent authorities to appoint the petitioner on the post of Panchayat Elementary Teacher in Hulasganj Block as she is the first candidate in the merit list with all consequential benefits.

(iii). For a direction to the respondent authorities to reserve a seat for the petitioner for appointment till disposal of present writ petition.

3. At the outset, learned counsel for the State appears and raises preliminary objection with regard to the maintainability of these writ applications on the ground that petitioners have got alternative remedy before the District Appellate Authority. He further submits that no reason has been assigned, as to why these writ applications shall be heard by this Hon'ble High Court, even when alternative remedy to move before the concerned District Appellate Authority is available to the petitioners.

4. Learned counsel for the petitioners is not in a position to dispute the contentions made on behalf of the State.

5. Considering the aforesaid facts and circumstances, these writ petitions are disposed of with direction to petitioners to move before the District Appellate Authority by filing appeal and the concerned District Appellate Authority is directed to proceed in the matter and dispose of the same in accordance with law after hearing the parties, preferably within a period of



six months thereafter.

6. With the aforesaid observations and directions,
these writ applications are disposed of.

(Prabhat Kumar Singh, J)

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