

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17518 of 2015

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1. Shatrunjay Tripathi Son of Late Ram Naresh Tripathi Resident of Village and Post - Ameya, P.S. - Kateya, District - Gopalganj.
 2. Kishore Kumar Son of Chandeshwar Prasad Singh Resident of Mohalla - Arya Nagar (Near Drain) Ward No. 21, P.O. P.S. and District – Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
5. The Director, Secondary Education, Government of Bihar, Patna.
6. The National Council for Teachers Education, New Delhi through its Member Secretary at New Delhi.
7. The Chair Person, National Council for Teachers Education, New Delhi.
8. The Member Secretary, National Council for Teachers Education, New Delhi.
9. The Union of India through the Secretary, Ministry of Human Resource Development , New Delhi.
10. The Secretary, Ministry of Human Resource Development, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No-5, Advocate
For the Respondent/s	:	Mr. R.R.K. Pandey, SC-29
		Mr. Awadhesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-02-2024

1. The petitioners have filed the instant application

for the following relief(s):-

*“a. To bring all the relevant provisions of law /
decisions / orders/ notifications; on the records of*



the case; owing to which the state authorities has absorbed the Siksha Mitras, non TET teachers and untrained teachers into the continuous service and thereafter assimilated them in regular service; by giving them a pay scale and other service related benefits.

b. And thereafter for the quashing of all such provisions of law/decisions/orders/notifications above referred and so produced.

c. And further for a direction to the State Authorities to remove all those Sikshas Mitras, non TET teachers and untrained teachers; who have been appointed, absorbed or regularized in the State Cadre - who are not in conformity with the directions of Uma Devi's case, NCTE regulation and the orders of the Ministry of the Humam Resource Department.

d. And further for a direction to state authorities to advertise all the posts of Teachers as an cadre post and fill all the vacancies by a competitive examination among the candidates who qualified on the education qualification as notified by the NCTE on 03.09.2001 and modified time to time, subsequently on amongst following grounds:-

i. For that there exists a basic law for selection, appointment and regulation of the service conditions of the teachers in the State of Bihar and on the basis of that the last selection was made by the State Authorities by an advertisement in the year 1992.

ii. For that thereafter by a resolution of the State of Bihar dated 20.06.2002 the State has



appointed Sikshas Mitras in the schools to impart education in the schools.

iii. For that the nature, object and the purpose of the selection and appointment of the Sikshas Mitras are totally different from the appointment of a teacher in a school.

iv. For that the selection and appointment of the Sikshas Mitras were totally de horce to the established statute for the selection and appointment of a school teacher and hence the absorption of the Sikshas Mitras and subsequently their regularization in the teacher cadre is totally unjustified and illegal.

v. For that the NCTE regulation dated 03.09.2001 defined the basic educational qualification for the appointment of a teacher in a school and no Siksha Mitra was having the requisite qualification as stipulated by NCTE.

vi. For that the obtaining of Teachers Training through distance learning mode applies only for "a working teacher" who falls under Appendix - 9 of the NCTE Regulation, 2009, strictly.

vii. For that in the meantime the State of Bihar has appointed many an untrained and non TET teachers who does not qualify on the NCTE Guidelines.

viii. For that none of the Siksha Mitra or untrained teachers or non TET teacher, appointed subsequently to the regulation;



qualify to the parameters given by NCTE.

ix. For that in the meantime the State Authorities by giving several piecemeal and lopsided decisions, absorbed all of them in a regular teacher cadre and started giving a regular pay scale.

x. For that the absorption and regularization of all such teachers is violation of the orders of the Hon'ble Apex Court as stipulated in Uma Devi's case (2006) 4 SCC 1.

xi. For that it is also a relevant consideration to be innumerationed here that the selection and appointment of all the teachers, so regularized, are full of fraud and corruption.

xii. For that due to the illegal and arbitrary action of the Respondent State Authorities the Petitioners and other qualified candidates who possess the qualification as stipulated by NCTE Regulation dated 03.09.2011 has suffered an irreparable injury.

xiii. For that due to the arbitrary action of the Respondent Authorities the Fundamental Rights of the Petitioners as enshrined in the constitution of India has been violated.”

2. Learned counsel for the petitioners submits that with the passage of time, the cadre of teachers having changed a number of times, he seeks permission to withdraw this application.



3. This application is dismissed as withdrawn.

(Partha Sarthy, J)

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