

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 611 of 2023

In
Civil Writ Jurisdiction Case No.15513 of 2022

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Munni Kumari W/o Mahesh Singh, R/o Village- Chetan Tola Khutha East,
P.S. - Barahia, District- Lakhisarai, at present posted as Block Teacher at
Government Middle School, Chetan Tola, Khutha East, Block - Barahia,
District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Lakhisarai, District - Lakhisarai.
5. The District Education Officer, Lakhisarai, District - Lakhisarai.
6. The District Programme Officer, Establishment (Education), Lakhisarai, District - Lakhisarai.
7. The Block Development Officer, Barahia, District - Lakhisarai.
8. The Block Education Officer, Barahia, District - Lakhisarai.
9. The Panchayat Secretary-Cum-member-Secretary, Panchayat Teacher Employment Unit, Gram Panchayat Raj - Khutha East, Block - Barahia, District - Lakhisarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG 13

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

(Per: HONOURABLE THE CHIEF JUSTICE)

- 3 09-07-2024 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 confirmed 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)

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