

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4228 of 2021

1. Raj Kapoor Ram Son of Laxman Ram, Resident of Village - Gauri Ke Mathiya, Police Station- Manjhi, District - Saran.
2. Manish Kumar Ojha, Son of Jai Prakash Ojha, Resident of Village - Khanpur, Police Station- Manjhi, District - Saran.
3. Khusboo Kumari, Daughter of Ram Kumar Dubey, Resident of Village - Jalalpur, Police Station- Jalalpur, District - Saran.
4. Pankaj Kumar Das, Son of Patiram Das, Resident of Village - Tole Ranglal, Police Station- Rasulpur, District - Saran.
5. Dinesh Kumar Singh, Son of Baburam Singh, Resident of Village - Bangra (Uttar Tola) Police Station - Daudpur, District - Saran.
6. Chandan Kumar Dwivedi, Son of Kamlesh Kumar Dwivedi, Resident of Village - Asahani, Police Station- Rasulpur, District - Saran.
7. Dilip Kumar, Son of Rajnarayan Prasad, Resident of Village - Asahani, Police Station- Rasulpur, District - Saran.
8. Sameer Singh, Son Sawaliya Singh, Resident of Village - Sadhpur Chattar, Police Station- Daudpur, District - Saran.
9. Kundan Kumar, Son of Rampravesh Bhagat, Resident of Village - Asahani, Police Station- Rasulpur, District - Saran.
10. Pintu Kumar Gupta, Son of Sheshnath Gupta, Resident of Village - Nautan Bazar, Police Station- Ekma, District - Saran.
11. Ranjeet Mehra, Son of Krishna Ram, Resident of Village - Jaitpur, Naya Tola, Police Station- Daudpur, District - Saran.
12. Suresh Kumar Singh, Son of Surendra Singh, Resident of Village - Sheetalpur, Police Station- Daudpur, District - Saran.
13. Sneha Kumari Singh, Daughter of Dinesh Kumar Singh, Resident of Village - Bangra, Police Station- Daudpur, District - Saran.
14. Suniti Kumari Singh, Daughter of Dinesh Kumar Singh, Resident of Village - Bangra, Police Station- Daudpur, District - Saran.
15. Nitesh Pratap Singh, Son of Jitendra Kumar Singh, Resident of Village - Bangra, Police Station- Daudpur, District - Saran.
16. Vikesh Pratap Singh, Son of Pramod Kumar Singh, Resident of Village - Bangra, Police Station- Daudpur, District - Saran.
17. Manoj Kumar Thakur, Son of Shankar Thakur, Resident of Village - Jaitpur, Police Station- Daudpur, District - Saran.
18. Vivek Kumar, Son of Brajendra Kumar, Resident of Village - Jaitpur, Police Station- Daudpur, District - Saran.
19. Pinki Kumari, Daughter of Nagendra Thakur, Resident of Village - Jaitpur, Police Station- Daudpur, District - Saran.
20. Karan Kumar Tiwari, Son of Shashikant Tiwari, Resident of Village - Jaitpur, Police Station- Daudpur, District - Saran.



21. Nand Kishor Singh, Son of Ram Prasad Singh, Resident of Village - Jaitpur, Police Station- Daudpur, District - Saran.
22. Saket Kumar, Son of Gorakh Ram, Resident of Village - Harshpura, Police Station- Daudpur, District - Saran.
23. Vineet Anand, Son of Shashikant Singh, Resident of Village - Pilui, Police Station- Daudpur, District - Saran.
24. Preeti Goswami, Daughter of Atma Nath Goswami, Resident of Village - Kumna, Police Station- Kopa, District - Saran.
25. Poonam Kumari, Daughter of Ishwar Ram, Resident of Village - Harshpura, Police Station- Daudpur, District - Saran.
26. Deepa Kumari, Daughter of Dharmendra Singh, Resident of Village - Daudpur, Police Station- Daudpur, District - Saran.
27. Kumari Anita, Daughter of Ram Sureshwar Singh, Resident of Village - Daudpur (Siswan), Khurd, Police Station- Daudpur, District - Saran.
28. Vikash Kumar, Son of Suresh Giri, Resident of Village - Jaitpur, Police Station- Daudpur, District - Saran.
29. Mahendra Sah, Son of Virchand Sah, Resident of Village - Soniya, Police Station- Daudpur, District - Saran.
30. Anita Singh, Daughter of Ranjit Singh, Resident of Village - Jhakara, Police Station-Manjhi, District - Saran.
31. Ajay Kumar Singh, Son of Kameshwar Singh, Resident of Village - Sadhpur, Police Station- Daudpur, District - Saran.
32. Arbind Kumar Ram, Son of Dinanath Ram, Resident of Village - Basdeela, Police Station- Kopa, District - Saran.
33. Ganpat Lal Parmar, Son of Ganpat Lal Paarmar, Resident of Village - Sadhpur Chattar, Police Station- Daudpur, District - Saran.
34. Vikram Kumar Singh, Son of Rajaram Singh, Resident of Village - Surat Chapra, Police Station- Rasulpur, District - Saran.
35. Ruby Kumari, Daughter of Jitendra Singh, Resident of Village - Asahani Tole Banshi Chapra (Yogiya), Police Station- Rasulpur, District - Saran.
36. Rajeshwar Thakur, Son of Rameshwar Thakur, Resident of Village - Rasulpur, Police Station- Rasulpur, District - Saran.
37. Pappu Kumar Yadav, Son of Ganesh Prasad Yadav, Resident of Village - Basdila, Police Station- Kopa, District - Saran.
38. Jitendra Kumar Ram, Son of Chandrika Ram, Resident of Village - Basdila, Police Station- Kopa, District - Saran.
39. Rinku Kumari, Daughter of Haricharan Yadav, Resident of Village - Madhopur, Police Station- Rasulpur, District - Saran.
40. Tabassum Pravin, Daughter of Md. Zahoor, Resident of Village - Daudpur, Police Station- Daudpur, District - Saran.
41. Sonali Kumari, Daughter of Nanhe Prasad Verma, Resident of Village - Bareja, Police Station- Daudpur, District - Saran.
42. Pooja Kumari, Daughter of Harendra Ojha, Resident of Village - Bareja,



Police Station- Daudpur, District - Saran.

43. Priyanka Kumari Chaubey, Son of BhrigunathChaubey, Resident of Village - Bareja, Police Station- Daudpur, District - Saran.
44. Puja Kumari, Daughter of Mohan Sah, Resident of Village - Bareja, Police Station- Daudpur, District - Saran.
45. Munni Kumari, Daughter of Krishna Chaudhary, Resident of Village - Bareja, Police Station- Daudpur, District - Saran.
46. Mantu Kumar Manjhi, Daughter of SudamaManjhi, Resident of Village - Bareja, Police Station- Daudpur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The National Council for Teacher Education through its Chairman, Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi.
5. The Under Secretary (Regulation), National Council for Teacher Education through its Chairman, Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi.
6. The National Council for Teacher Education Easter Region through its Regional Director, 15, Neelkamal Nagar, Nayapalli, Bhubaneshwar, Odisha - 751012.
7. The Northern Regional Committee through its Regional Director, G-7, Sector 10, Dwarka, Landmark - Near Metro Station, Sector - 10, Dwarka, Delhi- 110075

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Lalit Kishore, AG
Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 28-02-2024

Heard learned counsels for the parties.

2. The petitioners have filed the present writ application
for the following relief(s):

I) For issuance of an appropriate writ in the nature
of mandamus for commanding and directing the
respondent authorities concerned to relax the



minimum qualification of having passed the Teachers Eligibility Test/Central Teachers Eligibility Test (hereinafter referred to as "T.E.T/C.T.E.T") for applying for selection as a teacher in elementary schools in the State of Bihar on the ground that all the petitioners have passed the diploma in elementary education through National Institute of Open Schooling (hereinafter referred to as N.I.O.S.) in the year 2017 or in the year 2019 along with candidates but they have not qualified the T.E.T/C.T.E.T, as after 2012, no examination of T.E.T/C.T.E.T. has been conducted and, hence, the petitioners may kindly be also given an opportunity to be candidates for their selection as a teacher in elementary schools in the State of Bihar and their fee and form may kindly be accepted by extending the date of acceptance of their application for selection/appointment as elementary school teachers as till date, the appointment has not been done.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to relax the eligibility criteria that only such candidates, who have passed T.E.T/C.T.E.T. along with the Diploma in Elementary Education will be eligible to be applicant, whereas, all the petitioners are trained and they have passed the Diploma in Elementary Education in the year 2017 or in the year 2019 and the petitioners' fee and forms may



kindly also be invited for their selection as teacher in elementary schools for Class I to V with undertaking that if the petitioners get selected as a teacher, they will pass the T.E.T/C.T.E.T. examination in future.

III. For issuance of an appropriate writ in the nature of certiorari for quashing the letter no. 7/Misc.-25/2019/1138 dated 11.09.2019 issued under the signature of the Director, Primary Education, Bihar whereunder it was mentioned that the certificates of the teachers/candidates working in government/government aided/private unaided schools who have completed D.El.Ed. Training through National Institute of Open Schooling (NIOS) during their service period, will not be valid/considered for selection of primary teachers in the Government of Bihar on the basis of the letter No. NCTE- Reg1011/166/2017- US (Regulation) HQ/81645 dated 06.09.2019.

IV. For issuance of an appropriate writ in the nature of certiorari for quashing the letter no. NCTE-Reg1011/166/2017-US(Regulation)-HQ/ 81645 dated 06.09.2019 where-under upon the clarification sought by the Additional Chief Secretary, Education Department, Bihar, the National Council for Teachers Training (NCTE) held that the duration of D.El.Ed. Training course is of 18 months.

V. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the



respondent authorities concerned to extend the date of accepting the fee and forms so that the petitioners may apply and might get selected as teacher in elementary schools in the State of Bihar for the year 2019 for class I to V without having the qualification of T.E.T/C.T.E.T. as after 2012 no examination of T.E.T/C.T.E.T. has been conducted in the State of Bihar and due to which, the petitioners could not appear and qualify the said T.E.T/C.T.E.T. examination and, hence, the petitioners may kindly be given an opportunity to participate in the selection process of elementary schools teachers in the State of Bihar otherwise most of the petitioners would become overage and will be deprived to be selected as a teacher even though, they have passed the D.El.Ed. examination through N.I.O.S. and the examination was conducted by the Bihar School Examination Board, Bihar, Patna.

VI. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled under the facts and circumstances of the present case.

3. Learned counsel for the petitioners submits that the petitioners have filed a detailed representation before the Additional Chief Secretary cum the Principal Secretary, Education Department, Government of Bihar, Patna (respondent no.2) and the said representation is still pending.



4. In view of the submission made by learned counsel for the petitioners, in my view, no useful purpose would be served keeping this writ application pending.

5. Accordingly, this writ application is disposed of with a direction to the the Additional Chief Secretary cum the Principal Secretary, Education Department, Government of Bihar, Patna (respondent no.2) to dispose of the representation of the petitioners by a reasoned and speaking order in accordance with law within four weeks from the date of receipt/production of a copy of this order.

6. It is made clear that the Additional Chief Secretary cum the Principal Secretary, Education Department, Government of Bihar, Patna (respondent no.2) shall be personally responsible for non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2024
Transmission Date	NA

