

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3762 of 2021

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Sudhir Kumar Singh @ Sudhir Kumar Son of Shyam Nandan Singh, resident
of Village and P.O. Azizpur, P.S. Kurhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, 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 Joint Secretary Education Department, Bihar, Patna.
5. The District Education Officer, Araria, District - Araria.
6. The District Programme Officer (Establishment), Araria, District - Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.

For the Respondent/s : Mr. Madanjeet Kumar, G.P.-20

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 14-08-2024 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs:

*“(I) For issuance of an appropriate writ in
the nature of CERTIORARI for quashing
the order dated 24.06.20215 issued under
the signature of Respondent no.4 and
contained in his memo no.414 dated
24.06.2015 so far Sessions 1984-86 is
concerned, whereby and where under the
Respondent no.4 has been pleased to hold
that the Lord Budha Mission Teachers*



Training College, Kartahan, Vaishali is a unrecognized Institution and the students of the said Institution of any Sessions is not eligible for appointment as a teacher.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for appointment of the petitioner as a Teacher pursuant to his selection made by the Staff Selection Commission.

(III) For issuance of any other appropriate writ/writs, order /orders, direction/ directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. The learned counsel for the petitioner submits that the petitioner, after successfully completing his Secondary School Examination with 1st Division from the Bihar School Examination Board (hereinafter referred to as the Board) in 1983, enrolled in Lord Buddha Mission, Primary Teacher Training College, Kartaha District-Vaishali (hereinafter referred to as the Institute), for the 1984-86 session. Subsequently, he applied for a trained teacher position in the State. He submits that due to non-acceptance of the fee and forms of Lord Budha Primary Teachers Training College, Kartaha, Vaishali for the final training examination scheduled in the year 1986 by the



Bihar School Examination Board, a writ application, bearing C.W.J.C. No.2368 of 1986, was filed and vide order dated 22.07.1986, this Court directed the Bihar School Examination Board to accept the fee and forms of the said training Institution and allow them to appear in final examination. Thereafter, Bihar School Examination Board took examination and published the result of teachers training examination of the aforesaid Training College for Sessions 1984-86 and the petitioner was declared passed in 1st Division as he had obtained 926 marks out of 1650 marks. Subsequently, the Staff Selection Commission prepared the merit list for the purposes of appointment as Teacher, in which petitioner's name find place in the merit list at serial no. 46 and he was recommended for his appointment as an Assistant Teacher in the Middle School in Araria district under unreserved category.

4. Learned counsel for the petitioner further submits that pursuant to the list prepared by the Staff Selection Commission, the concerned District Education Officer issued appointment letters in favour of the candidates even those candidates, who obtained their Teachers Training Course from Lord Budha Mission, Primary Teachers Training College, Kartaha in the District of Vaishali and other Institutions like



Lord Budha Mission, Primary Teachers Training College, Kartaha but the District Education Officer, Araria did not issue appointment letter of the petitioner. He submits that the respondent no.4 issued an order contained in letter no.412 dated 24.06.2015 by which it was held that the Lord Budha Mission Teachers Training College, Kartahan, Vaishali is an unrecognized institution and the students of the said institution of any Sessions is not eligible for appointment as a teacher.

5. Learned counsel for the petitioner lastly submits that the impugned order is under the teeth of the observation of the Hon'ble Supreme Court dated 18.07.2013 passed in S.L.P. (C) No. 26824 of 2012 and, therefore, cannot be sustained in the eye of law. Relying upon the aforesaid observation of the Hon'ble Supreme Court, this Hon'ble Court while considering a similar matter in C.W.J.C. No.6753 of 2013 has been pleased to set aside the similar order of canceling the appointment of the writ petitioner vide order dated 14.01.2016. Since the case of the petitioner is fully covered by the aforesaid order of this Hon'ble Court, the impugned order issued saying that the Lord Budha Mission Teachers Training College, Kartahan, Vaishali is an unrecognized institution and the students of the said institution of any Sessions is not eligible for appointment as a



teacher.

6. A counter affidavit has been filed on behalf of respondent no.6 in which it is stated that the matter of affiliation of the Lord Buddha Mission Primary Teacher Training College, Kartahan, Vaishali was considered at departmental level in light of various orders of Hon'ble Court and it was held vide order under Memo No. 412 dated 24.06.2015 that the said college is an unrecognized institution and its student for any session will not be eligible for employment.

7. Considering the facts and circumstances of the case as well as the fact that the petitioner obtained the Teachers Training certificate from an unrecognized institution and for appointment of teacher it was the minimum eligibility criteria, hence the candidature of the petitioner was rightly not considered.

8. In view of the aforesaid, this writ application lacks merit and is dismissed.

(Anjani Kumar Sharan, J)

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