

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3862 of 2021

Om Prakash Tiwari, Son of Sri Bal Mukund Tiwari Resident of Mohalla-Yarpur Rajputana, Road No.-1, P.S.-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. Bihar Staff Selection Commission, Patna.
5. Chairman, Bihar Staff Selection Commission, Patna.
6. Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Advocate Mr. Binay Krishna, Advocate Mr. Ritesh Kumar, Advocate
For the BSSC	:	Mr. Gyan Shanka, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, G.P.-27 Mr. Umesh Narayan Dubey, AC to G.P.-27

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 25-11-2024

1. On the basis of appointment notification issued by the Bihar Staff Selection Commission for appointment of Primary



Teachers (Intermediate passed), the petitioner submitted his candidature. It is not in dispute that the petitioner was successful in written examination. Subsequently, his academic documents were verified. He was called for interview, but finally he was not selected by the Bihar Staff Selection Commission. This led the petitioner to file an application under Right to Information Act. On information, he came to know that his certificate in B.Ed., SEDE, obtained from Madhya Pradesh Bhoj (Open) University, Bhopal (M.P.) was not considered and due weightage was not given to him. Accordingly, he was not selected.

2. It is contended by the learned Advocate appearing on behalf of the petitioner that in order to appoint Primary School Teacher, certificate in B.Ed., SEDE is taken into consideration and different High Courts, like Delhi High Court in ***W.P. (C) 6771 of 2008 (Social Jurist, A Civil Rights Group v. Government of N.C.T. of Delhi & Anr.)*** and Karnataka High Court in ***Writ Appeal No. 874 of 2018 (S-RES) (State of Karnataka & Ors. v. Chandrashekaraiah, C.N. & Ors.)*** held that the selection authority must consider B.Ed., SEDE certificate for appointment of Teachers.

3. It is further contended that relying on the aforesaid



decisions, in the instant case also, the official respondents ought to have considered the B.Ed., SEDE certificate of the petitioner and due weightage ought to have been given to him.

4. Learned Advocate appearing on behalf of Bihar Staff Selection Commission, on the other hand, submits that the selection process in question was for appointment of General Teachers. The petitioner obtained B.Ed. degree in hearing impairment. The Teachers were not selected by the BSSC for imparting education to disabled persons. Therefore, the certificate was rightly disallowed by the B.S.S.C.

5. Having heard the learned counsels for the parties and on careful perusal of the entire records, especially the aforementioned judgements, passed by the Delhi High Court and the Division Bench of the Karnataka High Court, it is ascertained that in both the cases, selection of Teachers came up for consideration with regard to mapping, improvement of infrastructure and upgradation of human resources and management, so as to facilitate good quality education to disabled children.

6. In the instant case, the selection was not for disabled children.

7. For the reasons stated above, I do not find any illegality



or impropriety in the decision taken by the Bihar Staff Selection Commission.

- 8. The writ petition is, accordingly, dismissed on contest.
- 9. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	26.11.2024
Transmission Date	N/A

