

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.220 of 2023**

**In**  
**Civil Writ Jurisdiction Case No.14378 of 2022**

Pratima Devi W/o Lalan Kumar Singh, R/o Village- Tamsi, P.O.- Narendrakhap, P.S.- Kutumba, District- Aurangabad at Present Posted as Panchayat Teacher at Government Primary School Tamsi, Block- Kutumba, District- Aurangabad.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
2. The Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
3. The Director (Evaluation), National Institute of Open Schooling, A-24-25, Institutional Area, Sector- 62, Noida- 201308 (U.P.).
4. National Institute of Open Schooling, through its Regional Director, Lalit Bhawan, Bailey Road, Patna.
5. The Regional Director, National Institute of Open Schooling, Lalit Bhawan, Bailey Road, Patna.
6. The Additional Secretary-cum- Conducting Officer, National School of Open Schooling (NIOS) Department of Education, Bihar, Patna.
7. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
8. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
9. The Director, Primary Education, Government of Bihar, Patna.
10. The District Magistrate, Aurangabad, District- Aurangabad.
11. The District Education Officer, Aurangabad, District- Aurangabad.
12. The District Programme Officer, Establishment (Education), Aurangabad, District- Aurangabad.
13. The Block Development Officer, Kutumba, District- Aurangabad.
14. The Block Education Officer, Kutumba, District- Aurangabad.
15. The Panchayat Secretary-Cum- Member Secretary Panchayat Employment Unit, Gram Panchayat Raj, Jagdishpur, Block- Kutumba, District- Aurangabad.

... .. Respondent/s

with



**Letters Patent Appeal No. 291 of 2023**  
**In**  
**Civil Writ Jurisdiction Case No.4471 of 2021**

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Ajit Kumar Banaras Ram R/o Village - Habaspur, P.O.- Ganghara, P.S.  
Shahpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Bihar School Examination Board, Patna, through its Secretary.
5. The Chairman, Bihar School Examination Board, Patna.
6. The Secretary, Bihar School Examination Board, Patna.
7. The State Council For Education Research and Training, Bihar, Mahendru , Patna, through its Dir
8. The Director, State Council For Education Research and Training, Bihar, Patna.
9. The District Magistrate, Patna, District - Patna.
10. The District Magistrate, Kaimur, District - Kaimur (Bhabhua).
11. The District Magistrate, Arwal, District - Arwal.
12. The District Magistrate, Banka, District - Banka.
13. The District Magistrate, Gaya, District - Gaya.
14. The District Magistrate, Aurangabad, District - Aurangabad.
15. The District Magistrate, Madhepura, District - Madhepura.
16. The District Magistrate, Darbhanga, District - Darbhanga.
17. The District Magistrate, Madhubani, District- Madhubani.
18. The District Magistrate, Jamui, District - Jamui.
19. The District Magistrate, Sheohar, District - Sheohar.
20. The District Education Officer, Patna, District - Patna.
21. The District Education Officer, Kaimur, District Kaimur (Bhabhua).
22. The District Education Officer, Arwal, District Arwal.
23. The District Education Officer, Banka, District Banka.
24. The District Education Officer, Gaya, District - Gaya.
25. The District Education Officer, Aurangabad, District Aurangabad
26. The District Education Officer, Madhepura, District Madhepura.



27. The District Education Officer, Darbhanga, District Darbhanga.
28. The District Education Officer, Madhubani, District Madhubani.
29. The District Education Officer, Jamui, District Jamui.
30. The District Education Officer, Sheohar, District Sheohar.
31. The District Programme Officer, Establishment (Education), Patna, District - Patna.
32. The District Programme Officer, Establishment (Education), Kaimur, District - Kaimur (Bhabhua)
33. The District Programme Officer, Establishment (Education), Arwal, District - Arwal.
34. The District Programme Officer, Establishment (Education), Banka, District - Banka.
35. The District Programme Officer, Establishment (Education), Gaya, District - Gaya.
36. The District Programme Officer, Establishment (Education), Aurangabad, District - Aurangabad.
37. The District Programme Officer, Establishment (Education), Madhepura, District - Madhepura.
38. The District Programme Officer, Establishment (Education), Darbhanga, District - Darbhanga.
39. The District Programme Officer, Establishment (Education), Madhubani, District - Madhubani.
40. The District Programme Officer, Establishment (Education), Jamui, District - Jamui.
41. The District Programme Officer, Establishment (Education), Sheohar, District - Sheohar.
42. Hari Narayan Kumar S/o Shyam Dayal Prasad R/o Village - Koindi, Ward No. - 6, P.O. - Badhauna, P.S. - Chainpur, District - Kaimur (Bhabhua).
43. Kamal Kumar S/o Medani Chaudhary, R/o Village - Khaira, P.O. - Usari, P.S. - Mehandia, District - Arwal.
44. Md. Zafar Alam S/o Md. Jamaluddin R/o Village - Ramnagar Dhunsi, P.O. - Dhunsi, P.S. - Manigachhi, District - Darbhanga.
45. S/o Md. Naeem R/o Village - Laheriaganj Purab Tola, P.S. Rahika, District - Madhubani.
46. Islamuddin Faridi S/o Md. Biru Ansari R/o Village- Madhupur, P.S. - Chakai, District- Jamui.
47. Jahrina Khatoon W/o Kamruddin Miyan R/o Village-Salaiya, P.O.- Daulampur, P.S.-Chakai, District-Jamui.
48. Seema Kumari W/o Tulsi Das R/o Village - Nowasar, P.S. - Chandra-Mandih, District- Jamui.
49. Natees Ahmad, S/o Abu Zobair, R/o Village- Basahiya Shaikh, P.O. and P.S. - Piprahi, District - Sheohar.



50. Phul Kumari W/o Rambaran Singh R/o Village - Adhaura, P.O. and P.S. - Adhaura, District - Kaimur (Bhabhua).
51. Vijay Kumar Ray S/o Surendra Paswan R/o Village - Daniyala, P.O. Shadipur, P.S. Banshi, District - Arwal.
52. Lalit Kumar S/o Mahendra Prasad R/o Village - Neema, P.S. Rajaun, District - Banka.
53. Gaurav Kumar Sinha S/o Satyendra Kumar Sinha R/o Village and P.O. - Pattharkatti, P.S. Nimchak - Bathani, District - Gaya.
54. Shashi Kumar S/o Paras Chaudhary R/o Village - Daudnagar, P.O. and P.S. - Daudnagar, District - Aurangabad.
55. Renu Gupta W/o Ramanand Gupta R/o Village - Chousa West, P.O. and P.S.- Chousa, District - Madhepura.

... .. Respondent/s

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with

**Letters Patent Appeal No. 551 of 2023**

**In**

**Civil Writ Jurisdiction Case No.6175 of 2022**

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Himanshu Gautam S/o Sri Jai Prakash Tripathi, R/o Village-Samahuta, P.O.- Shahbajpur, P.S.-Mohania, District-Kaimur at Bhabhua at Present Working as Block Teacher at Government Middle School, Shukulpipra, Block and P.S.- Mohania, District-Kaimur at Bhabhua.

... .. Appellant/s

Versus

1. The Unio of India Represented through the Secretary, Department of School Education and Literacy, Ministry of Human Resources Development, New Delhi.
2. The Secretary, Department of School Education and Literacy, Ministry Of Human Resource Development, New Delhi.
3. The Additional Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, New Delhi.
4. The National Council of Teachers Education, New Delhi represented through its Director.
5. The Regional Director, National Council of Teachers Education Eastern Regional Committee, 15 Nilkanth Nagar, Nayapali Bhuvneshwar, Orissa.
6. The Director (Evaluation), National Institute of Open Schooling, A-24-25, Institutional Area, Sector-62, Noida-201308 (U.P.).
7. National Institute of Open Schooling, through its Regional Director, Lalit Bhawan, Bailey Road, Patna.
8. The Regional Director, National Institute of Open Schooling, Lalit Bhawan, Bailey Road, Patna.



9. The Additional Secretary-Cum-Conducting Officer, National School of Open Schooling (NIOS) Department of Education, Bihar, Patna.
10. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
11. The Principal Secretary, Education Department, Government of Bihar, Patna.
12. The Director, Primary Education, Government of Bihar, Patna.
13. The District Education Officer, Kaimur District-Kaimur at Bhabhua.
14. The District Programme Officer, Establishment (Education) Kaimur, District-Kaimur at Bhabhua.
15. The Block Development officer-Cum-Secretary, Block Teacher Employment Unit, Mohania, Block-Mohania, District-Kaimur at Bhabhua.
16. The Block Panchayat Raj officer, Mohania, Block-Mohania, District-Kaimur at Bhabhua.
17. The Block Education Officer, Mohania, District-Kaimur at Bhabhua.

... .. Respondent/s

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with

**Letters Patent Appeal No. 656 of 2023**

**In**

**Civil Writ Jurisdiction Case No.19638 of 2021**

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Gopal Kumar Yadav S/o Mahadeo Yadav, R/o Village - Kasrauti, P.O. and P.S. - Sono, District - Jamui, at present working as Block Teacher at Government Upgraded Middle School, Shiv Mandir, Baliyadih, Block - Jhajha, District-Jamui.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources , Government of India, Central Secretariat, New Delhi.
2. The Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
3. The Director (Evaluation) National Institute of Open Schooling, A- 24-25, Institutional Area, Sector - 62, Noida - 201308 (U.P.).
4. National Institute of Open Schooling, through its Regional Director, Lalit Bhawan, Bailey Road, Patna.
5. The Regional Director, National Institute of Open Schooling, Lalit Bhawan, Bailey Road, Patna.
6. The Additional Secretary-cum-Conducting Officer, National School of Open Schooling (NIOS) Department of Education, Bihar Patna.
7. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.



8. The Principal Secretary, Education Department, Government of Bihar, Patna.
9. The Director, Primary Education, Government of Bihar, Patna.
10. The District Education Officer, Jamui, District - Jamui.
11. The District Programme Officer, Establishment (Education), Jamui, District - Jamui.
12. The Block Development Officer Jhajha, District - Jamui.
13. The Block Education Officer, Jhajha, District - Jamui.

... .. Respondent/s

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with  
**Letters Patent Appeal No. 1093 of 2023**  
**In**  
**Civil Writ Jurisdiction Case No.11709 of 2022**

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Shobha Devi W/o Umesh Kumar Yadav, R/o village- Kath Bajara, P.S. - Jhajha, District - Jamui, at Present Posted as Block Teacher at Government Upgraded Middle School, Kath Bajara, Block - Jhajha, District - Jamui.

... .. 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, Education Department, Government of Bihar, Patna.
4. The State Council for Educational Research and Training (SCERT), Bihar, Mahendru, Patna, through its Director.
5. The Director, State Council for Educational Research and Training (SCERT), Bihar, Patna.
6. The Bihar School Examination Board (BSEB), Patna through its Secretary.
7. The Chairman, Bihar School Examination Board (BSEB), Patna.
8. The Secretary, Bihar School Examination Board (BSEB), Patna.
9. The District Magistrate, Jamui, District - Jamui.
10. The District Education Officer, Jamui, District - Jamui.
11. The District Programme Officer, Establishment (Education) Jamui, District - Jamui.
12. The Member Secretary, Block Employment Committee, Block Employment Unit, Jhajha-Cum-Block- Development Officer, Jhajha, District - Jamui.
13. The Block Education Officer Jhajha, District - Jamui.



... .. Respondent/s

**Appearance :**

(In Letters Patent Appeal No. 220 of 2023)

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mrs. Shilpa Singh (Ga12)

(In Letters Patent Appeal No. 291 of 2023)

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Sarvesh Kr. Singh (Aag13)

(In Letters Patent Appeal No. 551 of 2023)

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Sarvesh Kumar Singh ( Aag 13 )

(In Letters Patent Appeal No. 656 of 2023)

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Sarvesh Kr. Singh (Aag13)

(In Letters Patent Appeal No. 1093 of 2023)

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Sarvesh Kr. Singh (Aag13)

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      12-09-2024                      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 appellants shall also be regulated by the status quo order; if continued in service and eventually by the disposal of the Special Leave to Appeal.

4. The Letters Patent Appeals are disposed of.

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

Neha/-

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