

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4308 of 2020

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Madhu Pandit Son of Sri Dukhan Pandit Resident of Village- Ramchandradih,
P.S.- Chakai, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The District Programme Officer, Jamui.
5. The Block Education Officer, Chakai, Jamui.
6. The Mukhiya, Gram Panchayat Ramchandradih.
7. The Panchayat Secretary, Gram Panchayat, Ramchandradih, Chakai.
8. The Head Master, Primary School (Balak), Ramchandradih, Chakai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-03-2025 Heard Mr. Rajesh Kumar Sinha, learned counsel

appearing on behalf of the petitioner and learned AC to AAG-15

for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:

"i. For quashing the impugned order dated 05.11.2019 by the State Appellate Authority (Education Department Bihar) Patna in Appeal No. 274/2019 as well as impugned order/memo no. 20 dated 14.03.2019 passed by the District Appellate Authority, Jamui on Case No. 18/17.

ii. For issuance of a direction to the respondent to allow to continue to the petitioner to work his duty as per his appointment letter as well as on the basis of various circulars/notification/rule issued by



Govt. with respect to the Panchayat Teacher.

iii. Further for a direction to the respondent to pay the arrears of salary alongwith interest @ 12 % since August 2007 to till the date of payment which is due to be paid to the petitioner.

iv. To grant any other relief(s) which the petitioner may be found entitled to get in the eye of law."

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had already passed Intermediate Examination and certificate was also issued to the petitioner on 07.06.2005, before coming into force of the Bihar Elementary Teachers (Employment and Service Condition) rule, 2006 (hereinafter referred to as the 'Rule, 2006') and its effective date i.e. 01.07.2006, however, the District Appellate Authority, as well as, the State Appellate Authority have failed to consider this aspect of the matter. Learned counsel further submitted that gross illegality has been committed in case of the petitioner, in so far as, not taking into consideration the requisite qualification of intermediate, which the petitioner had possessed before the effective date i.e. 01.07.2006. In this background, he submits that the order dated 14.03.2019 passed by the District Appellate Authority, as well as, the order dated 05.11.2019 passed in Appeal No. 274 of 2019 by the State Appellate Authority require interference of this Court.

4. *Per contra*, learned counsel appearing on behalf of the State submitted that even admitting the fact that the



petitioner had possessed intermediate certificate, he was required to undergo two years training, which was undertaken by the State Government and several writ petitions were filed in this regard. The petitioner must have produced the required document at the time of regularization but he failed to do so. The mandate of the Hon'ble Supreme Court is that only those teachers can continue, who have acquired training certificate either to teach Class I to V or VI to VIII or in any higher class.

5. Heard the parties.

6. Considering the rival submission made on behalf of the parties, as well as, having taken note of the fact and the observation made by the State Appellate Authority, who has considered the case of the petitioner merely on the basis of matriculation certificate though the petitioner has brought on record the intermediate certificate, which was already issued to him on 07.06.2005, entitling the petitioner to be absorbed as Panchayat Teacher as per his requisite qualification. The order dated 05.11.2019 passed by the State Appellate Authority is required to be interfered with being perverse, in so far as, the State Appellate Authority has failed to examine the records relating to the petitioner. The State Appellate Authority is directed to re-exercise to evaluate the case of the petitioner on



the basis of the intermediate certificate.

7. The matter is remitted back to the State Appellate Authority to decide the case of the petitioner afresh in accordance with law.

8. This Court has not gone into the merits of the case in any manner, nor in respect of the genuinity of the certificates including the intermediate certificate, which the petitioner has brought on record by way of 'Annexure-3 series to the writ petition'.

9. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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