

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4078 of 2024

=====

Rahul Kumar Raushan, son of Deonandan Prasad, resident of village-Herudiyara, P.S. - Kasim Bazar, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Nehru Path, Patna, PIN 800001.
4. The Joint Secretary cum Examination Controller, Bihar Public Service Commission, Nehru Path, Patna, 800001.
5. The Collector, Munger.
6. The District Education Officer, Munger.
7. The District Program Officer, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Narsingh Tanti, Advocate
For the State	:	Mr. N.P. Yadav, SC-23
For the BPSC	:	Mr. Sanjay Pandey, Adv.
		Mr. Nishant Kumar Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 26-09-2025

Heard the parties.

2. Invoking the extraordinary writ jurisdiction of this Court, the petitioner, an aspirant for the post of School Teacher in connection with Advertisement No.26/2023, is seeking a direction upon the respondent authorities to appoint him against the said post, the result of which has been kept on hold despite having been declared him successful in the examination of Secondary Teachers Eligibility Test (STET) (Class 9-10), 2019



conducted by the Bihar School Examination Board, Patna; and further qualified, the School Teacher Appointment Competitive Examination, 2023, Secondary School Teacher (Class 9-10) conducted by the Bihar Public Service Commission (in short 'BPSC').

3. The facts are admitted to the extent that the petitioner had passed his matriculation and thereafter did his intermediate in Commerce. He further passed his B.Com (Accounts honours) in the year 2002 from Tilka Manjhi Bhagalpur University. In the B.Com (Accounts honours) one of the subsidiary papers of the petitioner was Hindi. In Pursuant to Notification No. PR/2019 issued by respondent no.2 vide different memos for conducting State Teachers Eligibility Test (Class 9-10), the petitioner had applied accordingly and was duly qualified. In the meanwhile, the Government of Bihar invited online application through BPSC under Advertisement No.26/2023 for the appointment of 1,70,461/- School Teachers under different categories. The petitioner submitted his online application for Category-II for the post of Secondary School (Class 9-10). On being found eligible, Admit Card was issued and accordingly he appeared in the examination on 25.08.2023 and 26.08.2023. The BPSC published the result of successful



candidates on 21.10.2023. The name of the petitioner finds at serial no.56 under the Backward Category.

4. In pursuant to the result, afore-noted, the Regional Deputy Director of Education, Munger issued letter no.1524 dated 29.11.2023, and thereby directed the District Education Officer, Munger to do the needful and accordingly the petitioner was selected for the district of Munger and he was called for counselling. Despite completion of all the formalities of counselling, result of the petitioner has been kept on hold. The petitioner submitted his application before the concerned respondents with a request to issue his joining letter but no action has been taken; hence, the present writ petition.

5. Learned Advocate for the petitioner submitted that the stand of the State authorities that since the petitioner was not qualified to be appointed as Secondary School Teacher with Hindi language for which he had applied, his counselling was held up by the respondent authorities and thus restrained him to be appointed on the desired posts, as for appointment to the post of Secondary School Teacher (Class 9-10), the candidate must have Graduated from Hindi subject is wholly unsustainable as there is no such requirement. Referring to the terms of the advertisement, especially Clause 4(C)(iv), it is submitted that



for appointment to the post of Secondary Teacher, a candidate must have passed language subject for which he/she had applied for the post. The petitioner applied for language paper Hindi and in the advertisement, it has been duly mentioned in the advertisement that in Graduation, one of the papers should be Hindi. Thus the petitioner was satisfying all the criteria of the captioned advertisement, besides the fact that the petitioner was qualified the examination of STET. It is further reiterated that the petitioner had completed his Graduation with B.Com (Accounts honours) and one of his compulsory papers was Hindi, which is apparent from his educational certificate(s). Non-issuance of appointment letter in favour of the petitioner is wholly unjustified, is the contention of the learned Advocate for the petitioner.

6. On the other hand, learned Advocate for the State submitted that the terms of the advertisement, especially clause 4(C)(iv) mandates that the candidate must have Graduated from Hindi subject, if he had applied for the said subject. Since the petitioner has done his Graduation with B.Com (Accounts honours) and only one of his subsidiary papers was Hindi, therefore, he was not eligible in terms of the advertisement.

7. Having considered the submissions advanced by



the learned Advocate for the respective parties and taking note of the terms of the advertisement, especially clause 4(C)(iv), this Court finds substance in the submission of the learned Advocate for the petitioner.

8. Before parting with the case, it would be apt and proper to notice that the petitioner had passed the State Teachers Eligibility Test under Notification No. PR/2019, the copy of which is marked as Annexure-P/2 to the writ petition, in which one of the conditions, especially under clause 6.I stipulates that the language subject (Hindi) must be studied at Graduation level. Since the petitioner had passed his B.Com (Accounts honours) with Hindi subject, he had been allowed to appear and on being found suitable, declared successful in Hindi subject. Subsequent thereto, against the advertisement no.26/2023, the petitioner applied for the post of Secondary School Teacher (Class 9-10) and he was declared qualified, as is acknowledged from the result of the successful candidates, the copy of which is marked as Annexure-P/6.

9. Now, after publication of the result the stand of the State that since the petitioner had not done his Graduation in Hindi subject and therefore he is not qualified to be appointed as Secondary School Teacher, without such stipulation in the



advertisement is wholly unsustainable in law as well as on facts.

10. For better appreciation, it would be pertinent to quote clause 4(C)(iv) of the advertisement, which reads as follows:

"भाषा से संबंधित विषय :- माध्यमिक शिक्षक के पद हेतु भाषा से सम्बंधित विषयों में संबंधित भाषा विषय के रूप में स्नातक स्तर पर पठित होना अनिवार्य है."

11. Bare reading of the aforesaid stipulation, this Court does not find that a candidate must have Graduated from Hindi subject, rather it only qualifies that the relevant language paper must be studied at Graduation level.

12. The observation made hereinabove, also fortified with the statement, especially para-8 of the counter affidavit, which is incorporated hereunder:-

"8. That it is humbly submitted that from the perusal of eligibility criteria/conditions mentioned at Para No.-6 & 7 it is clear that petitioner doesn't possess the essential qualification to be appointed as secondary school teacher (class 9-10) as he-

a- Applied for to be appointed as secondary school teacher (class9-10) for language paper i.e. hindi.

b- Graduated from B.Com (Hons) his subsidiary paper was economics and hindi was his compulsory subject.

c- Is qualified from hindi subject in STET.



However, for appointment as secondary school teacher (Class 9-10), **the Candidate must have either graduated from hindi or have hindi as a subsidiary paper in graduation.**

(emphasis supplied).

13. In the case in hand, the fact is not in dispute that the petitioner has passed his B.Com (Accounts honours) with a Hindi subject as subsidiary. All the more, the petitioner had all along been allowed to appear in State Teachers Eligibility Test where he was qualified with Hindi subject and further he declared successful in the School Teachers Recruitment Examination, 2023 in connection with advertisement no. 26/2023; hence, any objection at this stage by the authority without any such stipulation in substance is unsustainable.

14. In view of the aforesaid facts and the discussions, this Court directs respondents no.6 and 7 to issue appointment letter in favour of the petitioner in terms with the result published on 21.10.2023, preferably within a period of eight weeks from the date of receipt/production of a copy of this order along with the notional benefits, as have been accorded to the successful candidates, who were junior in rank to the petitioner, in case the petitioner is otherwise found suitable.



15. The writ petition stands allowed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2025
Transmission Date	NA

