

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4922 of 2024

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Shatrughn Sahni, Son of Sri Dhurendra Sahni, Resident of Village-
Mishrawali, P.O.- Balua, P.S.- Brahampur, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Bihar, Patna.
3. The District Education Officer, Buxar, Bihar.
4. The District Programme Officer (Estt.), Buxar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Adv. Mr. Atul Kumar, Adv.
For the Respondent/s	:	Mr. Additional Advocate General 12 Mr. Asif Kalim, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-12-2025

Heard Mr. Rajeev Kumar Singh, learned Advocate representing the petitioner and Mr. Asif Kalim, learned Advocate for the State.

2. The petitioner has invoked the prerogative writ jurisdiction of this Court seeking a direction upon the respondent Bihar Public Service Commission, Patna to publish the result of the petitioner as successful candidate under EBC category against the examination which was conducted for the post of School Teacher in Computer Science for Higher



Secondary School (for Class 11-12) in pursuant to Advertisement No. 26/2023 dated 30.05.2023.

3. The facts briefly stated in the writ petition are that the petitioner having been found eligible duly appeared in the examination for appointment of the School Teacher conducted by the Bihar Public Service Commission in connection with Advertisement No. 26/2023. Out of 57602, 8395 seats were reserved for Computer Science subject and altogether 955 seats reserved for EBC category. The petitioner appeared in the written examination and after proper verification of the documents, the result was published on 21.10.2023, the name of the petitioner figured at Serial no. 31 under the EBC category with the merit serial no. 2366. The petitioner was allowed to participate in the counseling-cum-orientation programme and later on, he was sent to District Institute of Educational Training, Dumraon, Buxar for training. After having successfully completed the counseling-cum-orientation programme, provisional appointment letter contained in memo no. 6308160 dated 02.01.2023 issued by the District Education Officer, Buxar in favour of the petitioner. A list of school allotment of newly recruited teachers in connection with the captioned advertisement was also published and the petitioner



was allotted Ganga Adarsh High School, Dehari, Block Chousa, Buxar. Notwithstanding the aforesaid facts and all the formalities having been done, besides the petitioner was called for the posting letter and accordingly, the petitioner ensured his appearance before the concerned authorities, but the reason best known to the authorities concerned, he was informed that as per educational qualification, he is not eligible for the above said post of the Skilled Teacher.

4. Mr. Rajeev Kumar Singh, learned Advocate for the petitioner submitted that admittedly the petitioner has completed three years Diploma degree in Computer Science in the year 2016 for the Session 2012-15 by the State Board of Technical Education, Bihar, which is established under the Department of Science and Technology, Government of Bihar. The captioned advertisement, specially Clause (F), which deals about the necessary requisite eligibility of a candidate, clearly stipulates that a candidate who is having qualification of Diploma from any recognized institution and university in the Computer Science, shall be entitled to be considered for appointment. However, in the case of the petitioner, he has been illegally deprived from his appointment by the concerned authorities, in a most illegal and arbitrary manner. It is further contended that



identical matter has come up for consideration before this Court in C.W.J.C. No. 874 of 2024 wherein the Court after having considered all the aspect of the matter, finally concluded that non-consideration of the petitioners and declaring unsuited despite having possessed three years Diploma course in Computer Science and Engineering and duly recognized by the competent body i.e. AICTE would be certainly in the teeth of the mandate of Article 14 and 16 of the Constitution of India. The Court has also taken note of the fact that the other identically situated persons having identical qualification have been considered and duly appointed in consonance with the eligibility criteria for the post of Senior Secondary Teachers in the subject of Computer Science for Class 11 and 12.

5. Mr. Kalim, learned Advocate for the State referring to the stand of the authorities led in the counter affidavit has submitted that after proper scrutiny, it has been found that the petitioner was ineligible to be recruited as a Computer Science Teacher as per Clause (F) of the captioned advertisement and thus, he was not given the final appointment later. Since the petitioner did not possess the requisite qualification for his appointment on the post of Computer Science Teacher, inasmuch as, he did not possess the Computer Science degree at



Bachelors level, rather he is a Diploma Polytechnic holder, which is equivalent to intermediate level only, hence his claim has been negated.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the decisions rendered in ***Niranjan Kumar & Ors. vs. The State of Bihar & Ors., (C.W.J.C. No. 874 of 2024)*** this Court finds that in identical circumstances this Court has held as follows:-

“9. Having bestowed the consideration to the submissions advanced by the learned Advocates for the respective parties and taking note of the materials available on record, this Court comes to the opinion that the very ground for non-suiting the petitioners for appointment to the post of Computer Teachers that the qualification of Diploma possessed by the petitioners are not awarded by the institution recognized by the Government of India/University, is found to be unsustainable in view of annexure-13 series to the supplementary affidavit, whereby the petitioners have placed on record the necessary letters/documents, suggesting that the institute through which the petitioners have obtained the degree of Diploma are duly recognized by the AICTE. It is also not in question that the



technical education/courses run in the various Universities across the India is duly regulated and approved by the AICTE which is the competent body duly empowered to do so under the AICTE Act, 1987.

10. It is also not in dispute that the petitioners have passed three years of Diploma course in Computer Science and Engineering from Government Polytechnics, duly run by the Science and Technology Department, Government of Bihar. Hence, in case of non-consideration of the Diploma degrees issued by the aforementioned Government institution would amount to a fraud upon the students of those Government institutions, once Advertisement clearly postulates the eligibiity criteria, inter alia, that a candidate having possession of Post Graduate Diploma in Computer Science from any recognized University shall be eligible to apply for the post of Secondary School Teacher for Class-XI and XII in Computer Science.

11. This Court also finds that the candidates, who have possessed Diploma degrees from different recognized Universities, including the students, who have also possessed the qualification of Diploma along with the petitioners, have also been found place in the result of the successful candidates and later on, they were duly appointed as



is evident from annexure-R/B to the counter affidavit filed on behalf of respondent No.3. Bare perusal, thereof, it appears that altogether 114 candidates having Diploma degree have been appointed to the post of Computer Teacher for Class XI and XII.

12. Non-consideration of the petitioners and declaring them unsuited despite having possessed three years Diploma course in Computer Science and Engineering and duly recognized by the competent body i.e. AICTE would be certainly in the teeth of the mandate of Articles 14 and 16 of the Constitution of India; when the other identically situated persons having identical qualification, have been considered and duly appointed in consonance with the eligibility criteria for the post of Senior Secondary Teachers in the subject of Computer Science for Class-XI and XII.”

7. In view of the aforesaid facts without further adjudicating the matter, since the similar matter has been disposed off by this Court, the present matter is also disposed off in identical terms, directing the concerned authorities to consider the case of the petitioner in the light of the mandate of this Court in C.W.J.C. No. 874 of 2024 and take an appropriate decision in accordance with law, preferably within eight weeks’



from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2025
Transmission Date	NA

