

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6238 of 2024

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1. Rajesh Kumar Chaudhary, S/o Sri Amresh Chaudhary, R/o Village-Govindpur, Ward No. 2, P.S.-Bahadurpur, District-Darbhanga.
 2. Mitthu Kumari, D/o Sri Ashok Kumar Singh, R/o Village and Post-Raghauli Via Kamtaul, P.s.-Bisfi, District Madhubani.

... .. Petitioners

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Director, Secondary Education, Education Department, Bihar, Patna.
3. The District Education Officer, Darbhanga.
4. The District Program Officer, Establishment, Darbhanga.
5. The Block Education Officer, Jale, Darbhanga.
6. Bihar Public Service Commission represented through its Secretary, J.L. Nehru Marg, Patna.
7. The Secretary, Bihar Public Service Commission, J.L. Nehru Marg, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Manoj, Advocate
For the State	:	Mr. Standing Counsel 06
For B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-10-2025

Heard the parties.

2. Invoking the prerogative writ jurisdiction of this Court, the petitioners, who are the aspirants for the post of School Teachers for Class-9 and 10 in terms with the Advertisement No. 26/2023, have approached this Court seeking a direction upon the respondents to issue their respective posting orders based upon the provisional



appointment letters issued by the Respondent No.2 with all consequential benefits as has been accorded to the other similarly situated persons.

3. Learned Advocate for the petitioners submitted that in terms with the caption advertisement, the petitioners having requisite academic qualification as Bachelor of Commerce in Accounts Honours and Bachelor of Arts in Home Science Honours, having Hindi as compulsory subject of 100 marks in Part-I and Part-II Bachelor Examination, have applied for the post of “Teachers” in primary, secondary and higher secondary schools. The petitioners have also got training of two years Teachers Training course in Bachelor of Education (B.Ed) from Lalit Narayan Mithila University and also qualified Secondary/Senior Secondary Teachers Eligibility Test in the year 2011 and 2019, respectively. The petitioners having declared successful in connection with the captioned advertisement by the Bihar Public Service Commission for the Hindi subject sent for counselling/orientation programme vide letter dated 24.10.2023 along with other successful candidates. Upon completion of the training and orientation programme, the petitioners have also obtained provisional appointment letters, nonetheless final appointment letters have not been issued in



their favour and as such the petitioners compelled to approach this Court.

4. Learned Advocate for the petitioners, to substantiate his claim, referring to the Advertisement especially clause 4(C)(iv), submitted that a candidate was only required to study the concerned language as subject at the graduation level for the post of Secondary School Teacher. There is no dispute that the petitioners have studied Hindi as a compulsory subject in Part-I and Part-II for total 100 marks. After having satisfied the eligibility, the petitioners were allowed to appear in the examination and on being declared successful, the provisional appointment letters have been issued. Now, the Respondent authorities cannot be allowed to take this plea that the petitioners were not having Hindi subject at the graduation level, hence they are not eligible for the post of Teacher for Hindi subject. It is further contended that clarification made by the Director, Secondary Education, issued when the entire process of selection came to an end, would not preclude the petitioners from their appointment by applying it retrospectively.

5. Refuting the aforementioned contention, learned Advocate for the State submitted that in terms with the specific



prescriptions of the Advertisement, it was compulsory for the petitioners to having studied the concerned language as subject at the graduation level for the post of Secondary School Teachers. On careful verification, it has been found that Hindi was neither the Honours subject nor the subsidiary subject at the graduation level and as such the petitioners were found to be not eligible for appointment to the post of Teachers in terms with the Advertisement No. 26/2023. Referring to the departmental letter No. 03/2024-275, dated 30.01.2024 issued under the signature of the Director, Secondary Education, it is further contended that the necessary eligibility and the confusion created by the candidates has also been clarified that the Hindi subject should be the one of the subject in Honours or the subsidiary at the graduation level in order to be a candidate eligible for appointment to the post of teachers in the subject of Hindi in terms with the caption Advertisement.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the admitted position, it appears that both the petitioners had neither opted the Hindi subject at the graduation level either in the main or subsidiary. This Court also perused clause 4(C)(iv) of the Advertisement, which reads as follows:



“(iv) भाषा से संबंधित विषय :- माध्यमिक

शिक्षक के पद हेतु भाषा से संबंधित विषयों में संबंधित भाषा

विषय के रूप में स्नातक स्तर पर पठित होना अनिवार्य है।”

7. Bare reading of the aforesaid prescription, it is manifest that a candidate must have mandatorily studied concerned language subjects at the graduate level as one of the subject, in order to be qualified for the post of teacher. It does not talk about the subjects, which were compulsory at the graduate level.

8. Further this Court also finds that on account of such confusion being occurred in relation to some of the candidates who had only studied the concerned subject as compulsory subject at graduate level, a guideline was sought for by the District Education Officer, Darbhanga. Whereupon the Director, Secondary Education vide its letter dated 30.01.2024 (Annexure – R-3/2 to the supplementary counter affidavit) has clarified the position that the concerned authority must get satisfied before issuance of the posting letter that the candidate must have studied Hindi subject in the Honours or subsidiary at graduate level.

It would be suffice to observe that if a clarification is made only to remove the doubt or ambiguity in the original provision and will have the effect of only to comply the



provisions, without any change or amendment, it will apply retrospectively. Hence, any contention of his petitioners, contrary to law is fit to be rejected.

9. In the aforesaid premise and the specific prescription noted in the advertisement, this Court finds that there is no illegality in the action of the respondent authorities.

10. Accordingly, the present Writ petition sans any merit, fit to be dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2025
Transmission Date	NA

