

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.353 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.18602 of 2021**

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Binita Kumari @ Binita Singh Wife of Bir Kuwar Singh Resident of Village-  
Darauli, Police Station- Darauli, District- Siwan.

... .. Appellant/s

Versus

1. The Union of India Represented through the Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, New Delhi.
2. The Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, New Delhi.
3. The Secretary, Legislative Department, Ministry of Law and Justice, New Delhi.
4. The Additional Secretary, Department of School Education and Literacy, Ministry of Human Resource Development, New Delhi.
5. The National Council of Teachers Education, New Delhi represented through its Director.
6. The Regional Director, National Council of Teachers Education, Eastern Regional Committee, 15 Nilkanth Nagar, Nayapali Bhuvneshwar, Orissa.
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 Bihar School Examination Board, Patna, through its Secretary.
11. The Chairman, Bihar School Examination Board, Patna.
12. The Secretary, Bihar School Examination Board, Patna.
13. The State Council for Education Research and Training Bihar, Mahendru, Patna, through its Director.
14. The Director, State Council for Education Research and Training, Bihar, Patna.
15. The District Magistrate, Siwan, District- Siwan.
16. The District Education Officer, Siwan, District- Siwan.
17. The District Programme Officer, Establishment (Education), Siwan, District- Siwan.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ajay Kumar Pandey  
For the Respondent/s : Mr.Ram Vinay Pd. Singh, AC to GA12



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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

7      02-07-2025

**Re:I.A. No. 01 of 2022**

Heard I.A. No. 01 of 2022, there is a delay of about 59 days in filing LPA. For the reasons stated in application read with affidavit, delay of about 59 days in filing LPA stands condoned. Accordingly, I.A. No. 01 of 2022 stands allowed.

2. Learned counsel for the respondents – State submitted that the present matter is covered by one of the issue settled in LPA No. 748 of 2022 decided on 20.03.2024 by the Full Bench decision. The appellant case would fall under the Para 41(6) of Full Bench decision.

3. Having regard to the service record of the petitioner to the extent that she was appointed as a Teacher in the year 2014. In such circumstances, she was required to acquire requisites qualification on or before 08.08.2021. Admittedly, she has not acquired requisites qualification before 08.08.2021. Therefore, she is not entitled to continue in service.

4. Accordingly, the present LPA No. 353 of 2022 stands disposed of, since appellant does not fulfill the requisites qualification with reference to cut-off date as on 08.08.2021.



5. The respondents are hereby directed to settle appellant's all dues till dispensing her services, for the reasons that having regard to the fact that she has discharged the duty of the post irrespective whether she is qualified or not qualified, she is entitled to have the benefit of salary attached to the post. The same shall be calculated and disbursed in her favour within a period of three months from the date of receipt of this order, failing which appellant is entitled to litigation cost which is quantified at Rs. 10,000/- (Rupees Ten Thousand).

**(P. B. Bajanthri, J)**

**( S. B. Pd. Singh, J)**

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