

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15876 of 2021

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1. Gautam Kumar S/o Mukund Prasad Yadav, R/o Village At and P.O. - Mushkipur, P.S. - Tarapur, District - Munger.
 2. Abha Kumari, W/o Umesh Yadav, R/o Village - Shripur, P.S. - Sangrampur, District - Munger.
 3. Bhawana Bharti, W/o Sanjan Kumar, R/o Village - Nazri, P.S. - Gangta, H. Kharagpur, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Bihar School Examination Board, Patna. through its Secretary.
6. The Chairman, Bihar School Examination Board, Patna.
7. The Secretary, Bihar School Examination Board, Patna.
8. The State Council For Educational Research and Training, Bihar, Patna, through its Director.
9. The Director, State Council For Educational Research Training, Bihar, Patna.
10. The Primary Teachers Training College, Haweli Kharagpur, Munger, District - Munger, through its Principal.
11. The Principal Primary Teacher Training College, Haweli Kharagpur, Munger, District - Munger.
12. Mr. Shiv Prasad Singh, the then Block Education Officer, Tetiya Bambar, District - Munger at present posted as Block Education Officer, Gulzarbagh, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1, (SC13)
		Mr. U. K. Singh, AC to SC 13
For the Board	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-07-2025



Heard Mr. Mrityunjay Kumar, learned counsel appearing on behalf of the petitioners; Mr. Jitendra Kr. Roy 1, learned SC13 along with Mr. U. K. Singh, learned AC to SC 13 for the State and Mr. P. K. Shahi, learned Senior counsel along with Mr. Gyan Shankar, learned counsel appearing on behalf of the Bihar School Examination Board (BSEB).

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

“(i) For issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to the respondents to consider and take decision upon expulsion of petitioners from the examinations of in-service teachers training course of Diploma in Elementary Education (D. El. Ed.) in Sessions 2017-18 and 2016-18 respectively.

(ii) Further, for issuance of a writ in the nature of Mandamus any other appropriate writ/order/direction to the respondent to allow the petitioners to appear in their examinations of rest of the papers of D. El. Ed. Course as the petitioners have already completed the in-service teachers training of all four semesters of D. El. Ed. and one cannot be put under expulsion for indefinite period for their no fault.

And/Or

For any other order/ orders which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of petitioners submitted that the petitioners were illegally suspended from taking their 3rd Semester of D. El. Ed. teachers training examination, allegedly for using unfair means and in course of time, the same became inoperative. Now, the Education Department again has published notification inviting



applications from all the eligible candidates to undergo in-service training. The Apex Court in case of **Jaiveer Singh and others Vs. State of Uttarakhand and Ors.** reported in **(2023) SCC Online SC 1584** has considered the bar, which is contained in sub-section (2) of Section 23 of the Right To Education Act, 2009 to acquire the requisite qualification by 31.03.2019, thereafter, the Apex Court has extended the period in case of **Devesh Sharma v. Union of India** reported in **(2024) SCC OnLine SC 3096**, to obtain requisite qualification. In light of the said order, the Education Department has authorised State Council of Education Research and Training (SCERT) to conduct such examination. The petitioners have given information that they have passed in two papers and they intend to take the remaining papers, once the examination program is announced to be conducted by the Bihar School Examination Board (BSEB).

4. Mr. Gyan Shankar, learned counsel appearing on behalf of the BSEB informs that all the preparation has been done and he also admits that within short span of time, the exam will be conducted and the Board will notify for the same in newspaper for the general public.

5. In view of the development, which has taken place



during the pendency of the present writ petition, the grievance of the petitioners have been satisfied.

6. The writ petition is **deposed of** with a direction to the respondents to allow the petitioners in the examination, in case debarment order has lost its force as per the programme published in light of the judgment passed by the Apex Court in case of *Devesh Sharma (Supra)*. The Apex court has extended the period for in-service training and attaining the requisite qualification and has also granted one more opportunity to the candidates. The Apex Court further held that *“the order shall not be confined to the applicant state only and shall cover all cases which may be pending in different judicial fora in any State or Union territory on the same point of law.”* The observation of the Apex Court in paragraphs no. 8 and 9 as under:

"8. As it appears that a large number of candidates with B.Ed. degree had already been appointed on the basis of eligibility criteria specified by the educational authorities, we do not think it to be equitable to effect their removal. We, accordingly hold that the judgment delivered by this Bench on 11-8-2023 shall have prospective operation. But prospective operation of this judgment shall be only for those candidates who were appointed without any qualification or conditions imposed by any Court of Law to the effect that their appointment would be subject to final outcome of the case which might have had been instituted by them and such candidates were in regular employment without any disqualification and were appointed in pursuance of a notice of advertisement where B.Ed. was stipulated to be valid qualification. Services of only such candidates shall not be disturbed because of this judgment. We make it clear that



this benefit is only for the candidates who were appointed prior to the date our judgment was delivered, on 11-8-2023. Mere selection of such candidates or their participation in the process will not entitle them for a benefit under our present order. (Emphasis supplied)

9. Moreover, the candidates having B.Ed. qualification whose appointments we are protecting in this judgment, will have to undergo a bridge course and we direct the educational authorities to device such course, which would be applicable for each state and union territory, within a period of one year from today. This course shall be only for those appointees who have been engaged with B.Ed. degree only in the subject-posts under conditions stipulated in the earlier part of this order. National Council for Teacher Education shall design such course under overall supervision of the Ministry of Education, Union of India. Upon formulation of such course, the same shall be publicly notified and a timeframe shall also be given within which the respective candidates shall participate therein. Failure of any candidate to participate and complete the course within the timeframe to be given by the concerned educational authorities will invalidate the appointment of such candidate."

7. This order will be made applicable to only those candidates who were appointed without requisite qualification or condition imposed by any Court in light of the direction passed in *Devesh Sharma (Supra)* can be allowed to undergo in-service training for acquiring the requisite qualification.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	30.07.2025
Transmission Date	NA

