

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20045 of 2025**

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Jitendra Kumar Son of Shri Mithilesh Sharma, Resident of Village- Bisar,  
P.O. Budhgere, P.S. Mufassil, District Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Department of Primary Education, Government of Bihar, Patna.
4. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Birendra Kumar Singh, Adv. |
| For the Respondent/s | : | AC to SC-11                    |
| For the BPSC         | : | Mr. Sanjay Pandey, Adv.        |
|                      |   | Mr. Nishant Kumar Jha, Adv.    |

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

2      16-12-2025                      Learned counsel for the petitioner, learned counsel for BPSC and learned counsel for opposite parties are present.

2. The petitioner in the present writ application has prayed for issuance of writ of mandamus for directing and commanding the respondents and its authority to publish result, which as per the petitioner is being withheld by Bihar Public Service Commission, Patna for selection of Primary School Teacher.

3. It is submitted by learned counsel for the petitioner that for selection of the post of Primary School Teacher from Class-I to V, vacancy was published by Bihar Public Service



Commission and since the petitioner fulfilled all the criteria, the petitioner applied for the same. The petitioner was issued Admit-card and the examination center was allotted at Biharsharif. The petitioner appeared in the aforesaid examination on 14.12.2023 and gave examination. It is further contended by learned counsel for the petitioner that the petitioner had qualified a diploma course in Elementary Education during the Sessions 2017-19 of eighteen months and certificate was published on 22.05.2019 (Annexure-P/2). It is the grievance of the petitioner that despite the petitioner having eighteen months diploma which was a qualification, the result of the petitioner is not being published by BPSC. For building the entire case the petitioner relies upon an order dated 26.09.2025 (Annexure-P/3) issued by the Directorate of Primary Education, Education Department, Government of Bihar and he submits that some of the similarly situated persons have been extended the benefit, but his case is not being considered and result is not being published.

4. Learned counsel appearing for BPSC submits that the case filed by the petitioner is totally misconceived for the reason that the order dated 26.09.2025 issued by the Directorate of Primary Education, which has been brought on record by way



of Annexure-P/3 is based on order dated 10.12.2024 passed by Hon'ble Apex Court in Civil Appeal No.7873 of 2023 in which there was a qualifying criteria expressly given in paragraphs-1, 2 and 3 of the said order and the petitioner fails to qualify in terms of those qualifying criteria stipulated by the Hon'ble Apex Court. He, therefore, submits that the petitioner cannot take advantage of Annexure-P/3 read with Hon'ble Supreme Court's order dated 10.12.2024 passed in Civil Appeal No.7873 of 2023.

5. For the sake of immediate reference paragraph-1, 2 and 3 of the Supreme Court's order dated 10.12.2024 passed in Civil Appeal No.7873 of 2023 is quoted herein below for needful.

*"1. The grievance sought to be raised on behalf of the review petitioners and some of the applicants before this Court is that though they were employment and covered by the recognition order dated 22.09.2017, they believe that the judgment and order of this Court dated 28.11.2023 (hereinafter 'judgment under review') would come in their way if they want to make better their prospects by applying either in other institutions or for promotional avenues.*

*2. We have already clarified in the judgment under review that the one-time*



*scheme was provided solely to safeguard the interests of those teachers who were employed as on 10.08.2017. We are, therefore, not inclined to entertain the present review petitions as well as miscellaneous applications.*

*3. However, to avoid any confusion, we again clarify that the 18 months diploma obtained by such persons, who were in employment as on 10.08.2017 and who have completed the diploma course of 18 months, would be treated as valid diploma holders for the purpose of applying in other institutions or for promotional avenues.”*

6. From the reading of the Supreme Court's order dated 10.12.2024 passed in Civil Appeal No.7873 of 2023, it is clear that it can only be extended to persons who were in employment as on 10.08.2017 and who had obtained eighteen months diploma. Admittedly, the petitioner was not in employment as on 10.08.2017 and had not obtained eighteen months diploma by then. This fact has been admitted by the petitioner in para-6 of the writ application. Resultantly, the petitioner does not qualify in terms of the Supreme Court's order to seek the benefit of the one time scheme announced by the State Government, which provided solely to safeguards the interest of those teachers who were employed as on 10.08.2017.



7. In view of the discussions made above, it is manifest that the petitioner does not qualify to take benefit of the one time scheme as he was not in employment on 10.08.2017 and had also not obtained eighteen months diploma by that time. Hence the present writ application is being dismissed as the relief claimed cannot be granted.

**(Alok Kumar Sinha, J)**

Prakash Narayan

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