

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.874 of 2024

- =====
1. Niranjan Kumar Son of Sri Surydeo Singh, Resident of Village- Khajuri, Block- Konch, P.S.- Khajuri, District- Gaya.
 2. Deepak Kumar, Son of Lalan Das, Village- Basua, Post- Utalibara, P.S.- Wazirganj, District- Gaya.
 3. Rahul Kumar, Son of Shiv Narayan Mandal, Resident of Ward No. 11, Bhajnaha, P.S.- Laukha, District- Madhubani.
 4. Priyanka Kumari, Daughter of Akhilesh Kumar, Resident of Narauni, Naili, District- Gaya.
 5. Kumari Poonam, Daughter of Arvind Kumar Paswan, Resident of Village and Post- Raitar, Block- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director (Secondary Education), Department of Education, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Education Officer, District- Gaya.
5. The District Program Officer (Establishment), District- Gaya.
6. The District Education Officer, District- Nawada.
7. The District Program Officer (Establishment), District- Nawada.
8. The District Education Officer, District- Madhubani.
9. The District Program Officer (Establishment), District- Madhubani.
10. The Bihar Public Service Commission, Patna, through its Chairman, Bailey Road, Patna.
11. The Chairman, Bihar Public Service Commission, Patna.
12. The Joint Secretary - cum - Examination Controller, Bihar Public Service Commission, Patna.

... .. Respondent/s

=====

=

Appearance :

For the Petitioner/s	:	Mr. Avanindra Kumar Jha, Adv. Mr. Jitendra Acharya, Adv. Mr. Ram Naresh Jha, Adv Mr. Bishwash Vijeta, Adv.
For the BPSC	:	Mr. Vijay Shankar Upadhaya, Adv.



Mr. G.P.-24

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 14-10-2025 Heard learned Advocate for the petitioners and the State as well as learned Advocate for the Bihar Public Service Commission (in short 'the BPSC').

2. The petitioners, who are the aspirants for the post of Computer Teachers for Class 11 & 12 in terms with the advertisement No. 26 of 2023, in sum and substance, are aggrieved with the inaction of the respondents in not issuing the appointment letters in their favour despite the entire formalities of the recruitment and selection process having been done and they have been declared successful.

3. Mr. Avanindra Kumar Jha, learned Advocate for the petitioners advertng to the facts of the case submitted that initially in exercise of the powers under Rule 19(iv) of the Bihar Rajya Vdyalaya Adhyapak (Niyukti, Sthanantaran, Anushashnik Karvai evam Sevashart) Niyamavali, 2023 (for short the “Niyamavali”) the requisite educational qualification for appointment of teacher in various subjects in different classes were implemented and for appointment to the post of Computer Teacher for Class 11 and 12, the requisite qualification of degree in Computer Science was required. However, later on, in view



of the notification bearing Memo No. 956 dated 29.05.2023, an amendment was carried out and in the qualification criteria, the Diploma from a recognized University was inserted as one of the requisite qualification for appointment as Teacher in the subject of Computer Science. Further, the requirement of teachers training (B.Ed.) was categorically removed for appointment as teacher in the said subject.

4. Subsequent, thereto, the caption advertisement bearing No. 26/2023 was issued, pursuant to which the petitioners along with others submitted their applications. After proper scrutiny of the applications, necessary admit cards were duly issued in favour of the petitioners and finally they appeared and successfully passed the examination. The final result for the Computer Teachers is placed on record as annexure-P/5. The petitioners were asked to participate in the counseling and, accordingly, they participated. In favour of some of the petitioners, provisional appointment letters and Teacher IDs have been issued. Consequently, with respect to some of the petitioners schools have also been allotted. Despite the position aforementioned, when the final appointment letters have not been issued in their favour and they have not been allowed to join the school, in some of the cases; they have approached this Court by



filing the writ petition.

5. On the last occasion, when the matter was taken up, on 15.09.2025, this Court after noticing the dispute, has framed the issue as follows;

“ The issue raised before this Court is in narrow compass to the extent as to whether the petitioners despite having sufficient qualification to be appointed against the post of Computer Teacher for Class-11 and Class-12 under TRE-1.0 having acquired Diploma from the State Board of Technical Education, Bihar under the Department of Science and Technology and duly approved by the All India Council for Technical Education, besides the fact that other identically situated persons have been appointed on the basis of same and similar certificates, can the petitioners be discriminated without any valid reason. ”

6. This Court also took notice of the counter affidavit filed on behalf of the State authorities, wherein, it has been informed that, admittedly, mistake has been committed at the instance of the BPSC in accepting the application of ineligible candidates having no requisite qualification, besides the submission that the institution of the petitioners are not recognized by the Government of India/University, hence, they were not even eligible to make application for the appointment as Computer Teachers in the school.

7. The counter affidavit, as discussed herein-above, also averred that the petitioners do not possess the degree of B.



E or B.Tech in Computer Science/I.T. from any recognized University or institution recognized by the A.I.C.T.E. or equivalent qualification. Further, the second part of the eligibility allowed Diploma from an institution recognized by the Government of India/University. The petitioners possess Diploma but not awarded by the institution recognized by the Government of India/University and, hence, they were not even eligible to make application for appointment as School Teacher as they did not possess the requisite eligibility criteria.

8. A supplementary affidavit has been filed by the petitioners bringing on record the letters/documents in order to support the contention that the institution in question over which a doubt has been created, they all are duly recognized by the All India Council for Technical Education (for brevity 'AICTE') and the course of three years Diploma in Computer Science and Engineering is also duly approved. The relevant letters/documents have been annexed as annexure- P/13 to the writ petition. It is also averred that the grounds, as taken by the respondent authorities, are not sustainable as, in no circumstance, the recognition was granted by the Union of India rather, it is the AICTE, which extended the recognition to the institution in question after proper inspection and on being



satisfied if it fulfills the required criteria and the terms and conditions for the purpose of recognition.

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 eligibility 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.

13. In view thereof, this Court finds substance in the writ petition. Accordingly, the same stands allowed directing the authorities to complete the left over formalities in connection with the captioned Advertisement No.26 of 2023 and issue appointment letters in their favour, in case the petitioners are otherwise found eligible.

14. The entire exercise must be completed by the respondents preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

15. The writ petition stands allowed.

brajesh/-

(Harish Kumar, J)

U			
---	--	--	--

