

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5218 of 2026

Manisha Kumari Daughter of Sri Upendra Yadav Wife of Sri Subodh Kumar,
Resident of village and P.O.- Bhagwanpur Desua Ward No. -4, Via- Jitwarpur
District Samastipur selected and joining Post- Computer Teacher,
Advertisement No. 26/2023 Roll No. 900258, Allotted District- Katihar,
Allotted School - High School, Sujapur Barari ID Code- BPKAT
22318368049.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Education, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna 800015.
2. The Director (Secondary Education Department of Education, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna- 800015.
3. The Chairman, BPSC Bailey Road, Patna 8000015.
4. The Appellate Authority-cum-Regional Deputy Director (Education), Purnea Commissioner, Purnea - 854301.
5. The District Education Officer, Katihar- 854105.
6. The District Programme Officer (Establishment) District - Katihar- 854105.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Prasad
For the Respondent/s	:	AC to Addl. Advocate General (05)
		Mr. Sanjay Pandey
		Mr. Nishant Kumar Jha
		Mr. Prabhakar Pahepuri

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

- (i) For directing the respondents to appoint the petitioner on the post of compute Teacher pursuant to Advertisement No.26 of 2023.
- (ii) For directing the respondent no.4 (RDD) to decide the petitioner's appeal dated 30.04.2024



within a time bound period.

(iii) To quash the order/ action dated 13.04.2024.

(iv) To direct the respondents to allow the petitioner to join the post with all consequential benefits.

(v) To direct the respondents to keep one post of compute teacher vacant or subject to the result of the writ application.

(vi) For any other order or direction which may be deemed fit and proper in the interest of justice.

3. Learned counsel for the petitioner, by referring to Annexure-P/2, submits that provisionally the appointment letter was issued but for an objection raised with regard to diploma degree, the necessary orders for joining has not been passed, while it is the case of the petitioner that the issues are identical to the case which has been decided by the Co-ordinate Bench of this Court in the case of ***Niranjan Kumar and Others v. The State of Bihar and Others*** passed in ***C.W.J.C. No.874 of 2024*** vide order dated 14.10.2025, wherein, the successful candidates were not being allowed to join the posts of computer teachers on the ground that 3 Years Diploma in Computer Science and Engineering from Government Polytechnics, being run by the Science and Technology Department, Government of Bihar, were not in consonance with the eligibility criteria in the subject of Computer Science for Class 11 and 12, which issue has already been put at rest by this Court in the said case, as would



be apparent from the order dated 14.10.2025 and 04.11.2025, the relevant portions are being extracted hereunder :-

Relevant portion of order dt. 14.10.2025

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.

Relevant portion of modification order dt. 04.11.2025

3. It is submitted that in para-10 of the order dated 14.10.2025, it has been mentioned that Advertisement clearly postulates the eligibility criteria, inter alia, that a candidate having possession of Post Graduate Diploma in Computer Science; however, in terms with the advertisement, a candidate who is also having possession of only Diploma in Computer Science from any recognized University, shall also be eligible to apply for the post in question.

4. On the other hand, learned counsel for the State submits that since the issues have been already put at rest, and the petitioner's certificate of diploma degree is obtained from a Government recognized institute, then the appropriate orders can be passed by the authorities strictly in consonance with the directives issued by this Court in Niranjana Kumar and Others (*supra*).

5. Considering the submissions of the parties, this Court finds it appropriate to direct the District Education Officer, Katihar, who has been made the appointing authority, is required to address the issue in consonance with the parameters in the case of Niranjana Kumar and Others (*supra*) and if on consideration of the representation, so filed by the petitioner, the



claim of the petitioner is found to be genuine, then appropriate orders for joining shall be passed within a period of four weeks, considering the fact that provisionally this petitioner was issued appointment letter in her favour.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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