

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7751 of 2024

=====

Madhu Kumari, Wife of- Sri Gaurav Kumar, Resident of Village-
Dhuparchak, P.O.- Alampur Gonpura, P.S.- Janipur, District- Patna-801505

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna- 800001
2. The Director (Secondary Education), Education Department, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna- 800001
3. The District Education Officer, Gopalganj, District- Gopalganj.
4. The District Programm Officer (Establishment), Gopalganj, District- Gopalganj.
5. The Bihar Public Service Commission through its Secretary, 15, Nehru Path (Bailey Road), Patna- 800001.
6. The Secretary, Bihar Public Service Commission, 15, Nehru Path (Bailey Road), Patna-800001.
7. The Joint Secretary-cum-Controller of Examination, Bihar Public Service Commission, 15, Nehru Path (Bailey Road), Patna-800001
8. The Head Master, Uchacha Madhyamik Vidyalaya, Pratappur, Block- Manjha, District- Gopalganj

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Navin Prasad Singh, Adv. Mr. Narayan Singh, Adv.
For the Respondent/s	:	Ms. Surekha Kumari, AC to GP-18
For the BPSC	:	Mr. Sanjay Pandey, Adv. Mr. Nishant Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-01-2026 Heard the parties.

2. The petitioner is aggrieved with the letter of the District Education Officer, Gopalganj contained in Memo No. 1181, dated 4.12.2023, issued under the joint signature of the District Education Officer, Gopalganj and the District Program Officer (Establishment), Gopalganj, whereby and whereunder



the appointment of the petitioner as School Teacher for Class-11 and 12 in the subject of Computer Science has been cancelled on the ground that the petitioner has obtained diploma in Computer Science and he has not passed graduation and post-graduation examination.

3. A counter affidavit has also been filed on behalf of respondent no.4, supporting the order cancelling the appointment of the petitioner on account of she having no requisite qualification.

4. Taking this Court through the averments made in the writ petition, learned Advocate for the petitioner contended that the case of the petitioner is squarely covered with an order passed by this Court in CWJC No. 874 of 2024 and its modified order dated 4.11.2025, besides the order passed in CWJC No. 4922 of 2024, vide order dated 09.12.2025.

5. At this juncture, learned Advocate for the State submitted that the submission of the petitioner is required to be verified by the competent authority.

6. Before parting with the present case, it would be relevant to take note of the relevant extract of the order passed by this Court in CWJC No. 874 of 2024; especially paragraphs-10 to 14 and paragraphs-3 and 4 of its modified order dated 4.11.2025, which are as follows:-



“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.

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. In view of the submission advanced as



also on perusal of the advertisement, this Court finds the submission of the petitioner is sustainable. Accordingly, para-10 of the order dated 14.10.202025 is modified and clarified to the extent hereinabove.”

7. In view of the aforesaid legal position and considering the limited grievance of the petitioner to the extent it is submitted that the case of the petitioner is covered with the aforesaid decision(s), the present writ petition stands disposed off in identical terms passed in C.W.J.C. No.874 of 2024 with further direction to the District Education Officer, Gopalganj to consider the claim of the petitioner, in accordance with law.

8. In case the claim of the petitioner finds cover with the aforesaid decision(s), the identical benefits must be extended to her, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

9. Suffice it to observe that in case the petitioner is non-suited, reasoned and speaking order must be followed.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

