

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8136 of 2024

Priya Kumari D/O Randhir Kumar Resident of Mohalla- Bichali Khandak
Par, P.S. Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. That Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Establishment), Madhubani.
7. The Bihar Public Service Commission through its Chairman, Bailey Road, Patna.
8. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
9. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar, Adv.
For the Respondent/s	:	Mr. Pratik Kumar, AC to GA-11
For the BPSC	:	Mr. Sanjay Pandey, Adv.
		Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-01-2026

Heard the parties.

2. Briefly stated, in response to the Advertisement bearing No. 26/2023, issued by the Bihar Public Service Commission, Patna for appointment to the post of school teachers in Primary, Secondary and the Higher Secondary School, the petitioner having a degree of Diploma in Computer Engineering from Kasturba Polytechnic for Women, Pitampura,



Delhi, which is a duly recognized and approved College by All India Council for Technical Education (hereinafter referred to as, “AICTE”) and Delhi Technical Education (hereinafter referred to as, “DTE”), submitted her application.

3. The petitioner was allowed to appear in the examination, as per the scheduled date and declared successful. Her name was duly published in the merit list, at Sl. No. 2700. A provisional list of District allotment was also issued and the petitioner has been allotted the district of Madhubani. Subsequently, the petitioner was also allotted Uchh Madhyamik Vidyalaya Jagwan East, as per school allotment list.

4. After completing all the paraphernalia, as noted hereinabove, the petitioner was called upon for Document Verification. The petitioner submitted all the requisite documents; nonetheless, the allotment letter has been issued. It has been informed to this Court that since the petitioner does not have the requisite qualification and, as such, no appointment letter has been issued in her favour.

5. Mr. Sudhir Kumar, learned Advocate for the petitioner submitted that several teachers, having Diploma in Computer Engineering were duly appointed, working and getting regular salary. Even the candidates, having diploma degree from the college of the petitioner were appointed and working at



present against the post advertised in terms with the captioned advertisement. There is a specific averment in paragraph no. 7 of the writ petition that the Kasturba Polytechnic for Women, Pitampura, Delhi is a duly recognized and approved college from DTE, having valid approval by AICTE and this fact has not been denied even by filing the counter affidavit on behalf of respondent no. 6. However, in order to disown the claim of the petitioner, it is submitted that the petitioner does not have the requisite educational qualification of computer teachers. It is lastly contended that identical issue has come up for consideration before this Court in CWJC No. 874 of 2024 and further in CWJC No. 4922 of 2024, wherein the Court having considered the terms of the advertisement and fact, that in the cases where the petitioners have passed Diploma in Computer Engineering through an institute duly approved and recognized by the AICTE, which is the competent body, besides other identically situated persons, having identical qualification, have been considered and duly appointed, allowed the writ petitions and directed the concerned respondents to consider their cases.

6. Mr. Pratik Kumar, learned Advocate for the State refuting the contention has submitted that the educational certificates of the petitioner especially, Diploma in Computer Engineering was duly considered by the employment unit and



on being found the same does not satisfy the requirement, as stipulated under the advertisement, hence not fit for the appointment. It is further contended that under the eligibility criteria, as stipulated in the advertisement, the petitioner must have posses BE or B.Tech (Computer Science/IT) or equivalent degree from a recognized University or AICTE recognized Institute or Diploma from an Institute/University recognized by the Government of India. Besides other educational qualification, as mentioned therein, but the petitioner does not have the requisite educational qualification of Compute teachers for Class -11 and 12, as per the notification vide Memo No. 956 dated 29.05.2023.

7. Heard the learned Advocate for the respective parties and anxiously perused the materials available on record. Before proceeding further, it would be pertinent to take note of the fact that identical issue has come up for consideration before this Court in CWJC No. 874 of 2024, where this Court while allowing the writ petition recorded 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 eligibiity 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.”

8. The aforementioned order, passed in CWJC No. 874 of 2024 stood modified vide order dated 04.11.2025, the extract of the relevant paragraph is also noted hereinbelow:-

“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 14.10.2025 is modified and clarified to the extent hereinabove.”



9. Besides the order passed in the aforementioned case, covering identical issue in similar facts, this Court also cannot lose sight of the fact that the specific averment of the petitioner, as stated in paragraph no. 7 of the writ petition has not been controverted that the petitioner has obtained the degree of Diploma in Computer Engineering from Kasturba Polytechnic for Women, Pitampura, Delhi, which is a duly recognized and approved College by AICTE and DTE.

10. For all the aforesaid reason, the writ petition stands allowed with identical terms, as has been allowed in CWJC No. 874 of 2024, with a direction to the concerned respondent to consider the claim of the petitioner for her appointment and complete the left over formalities in connection with the captioned advertisement, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

11. Accordingly, the writ petition is hereby allowed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2026
Transmission Date	NA

