

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11185 of 2022

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Santosh Chaudhary Son of Deo Pujan Chaudhary, residence of Village-Kajarah, P.S. Madhuban, Dist- East Champaran, Motihari at present posted as Panchayat Teacher, Navsrejit Primary School Fulwariya Ward no. 08, Noniya Toli, Block- Kalyanpur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The District Education Officer, East Champaran, Motihari.
5. The District Programme Officer (Estb.), East Champaran, Motihari.
6. The Block Development Officer, Kalyanpur, District- East Champaran, Motihari.
7. The Block Education Officer, Kalyanpur, District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate Mr.Anil Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha (GP-27) Mr.Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

12 14-05-2026 Heard the learned counsel for the petitioner and the

learned counsel appearing on behalf of the State-respondents.

2. The present writ petitioner has been filed for the

following reliefs:-

“For issuance of writ nature of certiorari for quashing the letter bearing Memo No. 978 dated 13.11.2020 issued by Director Primary Education, Patna, same has been communicated by the respondents District Programme Officer (Estb.), Motihari by which communicated to all Block Education Officer within



the District of East Champaran, Motihari for compliance of the letter dated 13.11.2020 for taking action for dismissal/removal of the service to teachers, who have not completed teacher training on before 31.03.2019 and further issue direction to respondents to not take any action regarding dismissal/removal from the service on the ground and he is taking teacher training and further issue direction to respondent pay the salary since December 2020 to till today and further give other legal consequential benefit to the petitioners.”

3. At the outset, the learned counsel appearing on behalf of the State-respondents submits that the matter is no more *res integra* in view of the judgment passed by the Full Bench of this Court reported in 2024 (3) BLJ (1) (*Bibi Sakina Khatoon vs. Union of India & Ors.* and its analogous cases), wherein in paragraph no. 41 (4) and (6) it has been held as follows:-

“(4) the unqualified teachers who were appointed during the relaxation period, i.e. between 01.04.2010 to 31.3.2015 will also be deemed to have been continued, if they have acquired the teachers training qualification; the minimum qualification, on or before 08.08.2021.

(6) those who were in place as teachers on 01.04.2010 and then on 31.03.2015, if not acquired the qualification



before 08.08.2021 will stand terminated.”

4. He submits that the petitioner was appointed on 29.03.2015 on the post of Panchayat Teacher and he is untrained teacher, which fact has not been disputed by the learned counsel appearing on behalf of the petitioners.

5. The learned counsel for the State-respondents submits that in view of the paragraph no. 41 (4) and (6) of the judgment of the Hon’ble Full Bench of this Court in the case of Bibi Sakina Khatoon (supra), the writ petition has become infructuous.

6. The learned counsel appearing on behalf of the petitioners submits that against the order passed by the Hon’ble Full Bench of this Court in the case of Bibi Sakina Khatoon (supra), the aggrieved persons have filed Special Leave to Appeal (C) 10872-10898 of 2024. The said case was heard on 17.05.2024 before the Hon’ble Supreme Court of India, along with its analogous cases and after hearing the parties, the Hon’ble Supreme Court of India, while issuing notice to the respondents, directed that until further orders, the parties will maintain status quo, as of today.

7. Accordingly, the writ petition is disposed of exactly in terms of paragraph nos. 41 (4) and (6) of the order passed by



the Hon’ble Full Bench in the case of Bibi Sakina Khatoon
(supra).

(Ritesh Kumar, J)

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