



IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.91 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 12315 of 2013

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Sarwan Kumar Rituraj S/O Ram Lakhan Thakur Resident of Village - Seudhiya,
P.S. Seudhiya, District - Samastipur

.... Petitioner / Appellant

Versus

1. The State Of Bihar through its Principal Secretary H.R.D. Deptt. Bihar, Patna
2. The Director (Primary Education) Education Deptt., Bihar, Patna
3. The Regional Deputy Director of Education Koshi Parmandal Saharsa
4. District Magistrate, Supaul
5. District Education Officer, Supaul
6. Treasury Officer, Birpur, Pratapganj
7. The Block Education Officer, Supaul

.... Respondents / Respondents

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Appearance:

For the Appellant/s : Mr. Md. Aslam Ansari, Advocate.

For the Respondent/s : Mr. Indeshwari Prasad Mandal, AC to GA 7.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 06-04-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Judge dated 05.07.2013
whereby the Writ Application filed by the applicant has been
dismissed for the reason that he does not possess the prescribed

qualification for the post of Teacher in the State of Bihar and consequently the services of the appellant was disengaged.

The applicant was appointed as Assistant Teacher vide Annexure-2. In pursuance of the directions issued by the State from time to time, the education qualification of teachers were examined. It was found that the appellant has undergone Teachers Training course from Sister Nivedita Teachers Training College, Calcutta which is not a recognized institute by National Council for Teachers Education (NCTE). In view of the said fact, the learned Single Judge dismissed the Writ Application holding that the appellant is not qualified.

Learned counsel for the appellant argued that the appellant has obtained certificate pertaining to Teachers Training in the year 1995, i.e., prior to the establishment of NCTE which was established on 1st July, 1995. Therefore, the qualification obtained by the appellant could not have been recognized by NCTE.

Even if the qualification is not recognized by NCTE, the fact is that the course undergone by the appellant from Sister Nivedita Teachers Training College, Calcutta is not recognized by the State of Bihar as well. If a course is not recognized by the State, obviously, such training cannot be treated to be a valid educational qualification, on the basis of which the appellant could be appointed.

In view of the said fact, we do not find any error in the



impugned order passed by the learned Single Bench.

The Writ Application is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Dilip/Anjani.

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