

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.6137 of 2007

UMA KUMARI

Versus

THE STATE OF BIHAR & ORS

For the Petitioner : MR. Ambuj Naraya Chaubey..Adv.

Mr. G.S.Dubey..Adv.

For the State : Mr. S.B.N.Singh, Adv.

J.C. to G.A.IX.

For the N.C.T.E.: Sri S.N. Pathak..Adv.

4/ 30/6/2008.

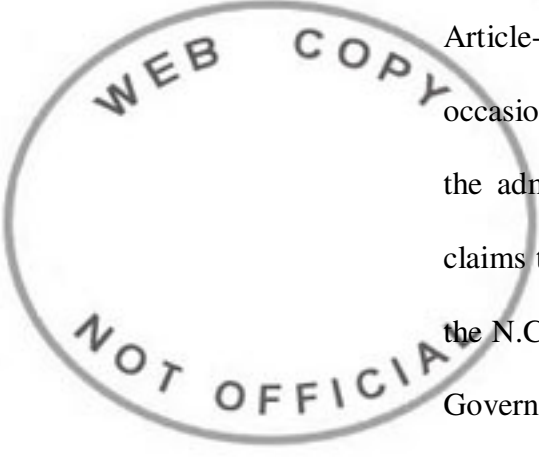
Heard learned counsel for the petitioner and learned counsel

for the State.

The prayer in the writ application is to consider the petitioner for appointment on the post of Prakhanda Teacher.

The petitioner claims to have obtained the qualification of B.Ed. from the Bharatiya Siksha Parishad, U.P., Lucknow. It is not in controversy that it is not an institution recognized by the N.C.T.E. which came into force on 17.8.1995. The petitioner has acquired the qualification of B.Ed. from the institution in question in the year-2003. Though the writ petition is silent on this aspect, the counter affidavit in paragraph-5 specifically makes statement to this effect which has not been denied by any rejoinder.

The appointment to the post of Block Teacher is regulated by the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006 framed on 1.7.2007, Sub rule-(3) of Rule-8 mandates the eligibility for Prakhanda Teachers in Column-3 specifically requires two years' B.Ed. certificate from N.C.T.E. or a Graduate degree in B.L.D. or B.Ed. in primary teaching equivalent to the same.



In view of the statutory rules framed for appointment under Article-309 of the Constitution by the Legislature, there is little occasion for this Court to pronounce on the present matter in view of the admitted position that the institution from which the petitioner claims to have obtained the B.Ed. qualification, is not recognized by the N.C.T.E. What kind of teachers with what qualifications the State Government wishes to appoint is for the State Government to decide and not for the High Court.

Since the present case relates to a period subsequent to 7.8.1995 i.e. after coming into force of N.C.T.E., it does not even come within the purview of the orders of this Court in CWJC NO.14813/06 as discussed by this Court in CWJC No.3562/08.

The writ application is accordingly dismissed.

KC

(Navin Sinha,J)