

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1987 of 2020

-
1. Preeti Priya, Wife of Sri Devendra Kumar Singh, Daughter of Deo Lal Singh, Resident of Village- Dharampura, P.O.- Dhamar, P.S.- Ara Muffasil, District- Bhojpur- 802156 at present residing at House No. 422, New Mainpura, Beside Mahindra Priyadarshani, Saguna More, P.O.- Danapur, P.S.- Danapur, District- Patna. BSITET Roll No. - 2725118281.
 2. Puja Kumari, Daughter of Ashutosh Kumar, Resident of - C/O Bhagirath Sharma, Road No. 9 H, Chitrakut Nagar, P.O.- Digha, P.S. - Danapur, District- Patna. BSITET Roll No.- 2529110484
 3. Priyanka Kumari, Daughter of Arun Kumar Thakur, Resident of Mohalla- Seikhpur, P.O.- Sheikhpur, P.S.- Ahiyapur, District- Muzaffarpur. BSITET Roll No.- 2529110305
 4. Jai Prabhat Singh, Son of jai Prakash Singh, Resident of Village Teghra, P.O. - Lakhanpur, P.S.- Tarapur, District- Munger. BSITET Roll No.- 0505110475
 5. Sanjay Vidyarthi, Son of Suresh Jha, Ward No. 14, Village Sherpur Bahori, P.O- Bhan Borha, P.S.- Mahua, District- Vaishali. BSITET Roll No.- 1816110183
 6. Pawan Kumar, Son of Arun Kumar Singh, Resident of Village and P.O- Jamanganj, P.S.- Makhdumpur, District- Jahanabad. BSITET Roll No.- 3405110097
 7. Mukesh Vishwakarma, Son of Gopal Vishwakarma, Resident of Village and P.O. - Baraon, P.S.- Piro, District- Bhojpur, BSITET Roll No.- 2711110129
 8. Sony Kumari, Daughter of Rajendra Prasad Sahu, Wife of Suman Kumar, Resident of Masjid Chowk, Ward No. 13, P.O. and P.S. and District- Madhepura. BSITET Roll No.- 1309110011
 9. Anuj Kumar Sharma, Son of Chitnarain Sharma, Resident of Village Panapur, Bateshwarnath, P.O.- Dhandhua, P.S.- Jandaha, District- Vaishali. BSITET Roll No.- 1802110104
 10. Jaipal Kumar, Son of Kailash Prasad Yadav, Resident of Village- Badi Yusufpur, P.O. - Hajipur, P.S.- Industrial Area, Hajipur, District- Vaishali. BSITET Roll No.- 1804110306
 11. Kumari Neha, Daughter of Devesh Chandra Pandey, Resident of Near N.H. 28, P.O. Mathiya Zirat, P.S.- Chatauni, Motihari, District- East Champaran.



- BSITET Roll No.- 2003110831
12. Laxmi Narayan, Son of Rajendra Prasad, Resident of Maruti Nagar, Chiriyatand, P.O. GPO, P.S.- Jakkanpur, District- Patna. BSITET Roll No.- 2515110094
 13. Manoj Kumar Singh, Son of Ram Bilas Singh, Resident of Chhat Talab, P.O.- Mainatand, P.S.- Dhasar, District- Dhanbad. BSITET Roll No.- 2607110016
 14. Sunil Kumar Paswan, Son of Bharat Lal Paswan, Resident of Mauzmabad, P.O.- Narayanpur, P.S.- Bihpur, District- Bhagalpur. BSITET Roll No.- 1131110100
 15. Archana Kumari, daughter of Raghubansh Singh, Wife of Om Prakash Kumar, Resident of Uppar Dhaura, P.O.- Jawaharnagar, P.S.- Bicha, District- Ramgarh. BSITET Roll No.-3301110973
 16. Niwash Kumar Verma, Son of Sidheshwar Prasad, Resident of Gosai Bigha, P.O.- Bhanail, P.S.- Akbarpur, District- Nawada. BSITET Roll No.- 3207110234
 17. Aruna Priya, Daughter of Vijay Krishna Prasad Verma, Wife of Sanjay Kumar, Resident of Rajendra Sarovar, P.O.and P.S.- Chapra, District- Saran, BSITET Roll No.- 3632118047
 18. Nitesh Kumar, Son of M.P. Choudhari, Resident of Ward No. 14, P.O. Jahangira, P.S. and District - Khagaria. BSITET Roll No.- 0905110120
 19. Shailesh Kumar, Son of K.N.Mandal, Resident of Binodpur Power House Road, P.O. and P.S. and District- Katihar. BSITET Roll No.-0412110467
 20. Chandan Kumari, Daughter of Ramanath Jha, Resident of Dalan, Rampur Hasanganj, P.O. P.S. and District- Katihar. BSITET Roll No.- 0403110334
 21. Deepak Kumar, Son of Anil Paswan, Resident of Village and P.O. - Kaithi, P.S.- Chautham, District- Khagaria. BSITET Roll No.- 0902110180
 22. Farzana Praveen, Daughter of S.M. Ghayasuddin, Wife of Imteyaz Ahmad, Resident of Ward no. 5, P.O. and P.S.- Laheria Sarai, District- Darbhanga. BSITET Roll No.- 1702110251
 23. Maharana Pratap, Son of Bhola Prasad Bhagat, Resident of Adarsh Nagar Fulkiya, P.O. and P.S.- Ghogha, District- Bhagalpur. BSITET Roll No.- 1112110204
 24. Pramod Kumar, Son of Siyasharan Prasad, Resident of Village Mandilpur, P.O. and P.S.- Rahui, District- Nalanda. BSITET Roll No.- 2609110524
 25. Chandan Kumar Bharti, Son of Binod Kumar Bajapeyee, Resident of P.O.- Jhakhara, P.S.- Sarairanjan, District- Samastipur, BSITET Roll No.-



- 2419118542
26. Kamlesh Kumar Dheraj, Son of Ram Bhajan Thakur, Resident of Nauhatta, P.O.- Paroriya, P.S.- Warish Nagar, District- Samastipur. BSITET Roll No.- 2419118874
 27. Raj Kumar Chaudhary, Son of Ramanand Chaudhary, Resident of P.O. - Lagunia Raghukanth, P.S. and District- Samastipur. BSITET Roll No.- 2411110477
 28. Prasun Kumar Rajhans, Son of P.K.Rajhans, Village Chanderi, P.O. and P.S.- Sabour, District- Bhagalpur, BSITET Roll No.- 1120110080
 29. Chandra Nandan Kumar, Son of Chandrika Yadav, Resident of P.O. - Barah, P.S.- Harnaut, District- Nalanda. BSITET Roll No.- 2506110481
 30. Suresh Kumar Nag, Son of P.C. Nag, Village Radha Nagar, P.O. and P.S.- Katoria, District- banka. BSITET Roll No.- 1209110679
 31. Jyoti Kumar, Son of Chandeshwar Sharma, Resident of Village Vikram Kaituka, P.O.- Nandan Kaituka, P.S.- Maker, Chapra, District- Saran. BSITET Roll No.- 3609110096
 32. Raushan Kumar Sharma, Son of Chandeshwar Sharma, Resident of Village Vikram Kaituka, P.O.- Nandan Kaituka, P.S.- Maker, Chapra, District- Saran BSITET Roll No.- 3617110090.
 33. Madhuranjan Kumar, Son of Ghoshpal Prasad, Resident of Yadurampur, P.O.- Masti chak, P.S.- Dariyapur, Chapra, District Saran. BSITET Roll No.- 3610110271
 34. Raghunandan Kumar, Son of Bhabat Mandal, Resident of Ward No. 2, P.O.- Babhani, P.S.- Gamharia, District- Madhepura. BSITET Roll No.- 1505110053
 35. Deepak Kumar, Son of Ravindra Singh, Resident of Ujjainpatti, P.O. and P.S. Kinjer, District- Arwal. BSITET Roll No. 2506110719
 36. Sonu Kumar, Son of Yogeshwar Mahto, Resident of P.O.- Bishaul, P.S.- Harlakhi, District- Madhubani. BSITET Roll No.- 2549110200
 37. Raj Kumar Gupta, Son of S.S. Gupta, Resident of Ward No. 9, Daulatganj, P.O. and P.S.- Bhagawan Bazar, District- Saran. BSITET Roll No.- 3602115319
 38. Binod Kumar Yadav, Son of Chandrika Yadav, Resident of Parsa Amarda, P.O.- Sadhwarah, P.S.- Isuapur, District- Saran. BSITET Roll No.- 3625118580
 39. Amit Kumar, Son of Anant Kumar, Resident of ward No. 13, P.O.- Narhan, P.S.- Bibhutipur, District- Samastipur. BSITET Roll No.- 2402110009



40. Ranjeet Kumar, Son of Vishwanath Thakur, Resident of Kamalpur, P.O. and P.S.- Pandaul, District- Madhubani, BSITET Roll No.- 2311110295
41. Raushan Kumar Raman, Son of Lekhnarayan Prasad Yadav, Resident of At P.O. Shripur, P.S. and District- Madhepura. BSITET Roll No.- 1505110568
42. Aaditya Kumar Srivastava, Son of Ravindra Nath, Resident of Near Masjid, P.O.- Laxmi Sagar, Saidpur P.S.- LNMU Campus, District- Darbhanga. BSITET Roll No.- 2219118001
43. Arvind Kumar, Son of Shankar Prasad Mahto, Resident of ward No. 9, P.O. - Ashogi, P.S.- Bairgania, District- Sitamarhi. BSITET Roll No.- 1711118017
44. Prabhat Kumar, Son of Upendra Pandey, Resident of Village and P.O.- Marai, P.S.- Jandaha, District- Vaishali. BSITET Roll No.- 1812110372

... .. Petitioner/s

Versus

1. The State of Bihar the Chief Secretary Government of Bihar New Secretariat Patna.
2. The Chief Secretary Government of Bihar New Secretariat Patna
3. The Principal Secretary, Human Resource Department, New Secretariat, Patna Bihar
4. The Principal Secretary, Department of Education, Government of Bihar Patna.
5. The Director, Secondary Education, Government of Bihar Patna New Secretariat, Patna
6. The Director, Senior Secondary Education, Government of Bihar Patna New Secretariat, Patna
7. The Bihar School Examination Board through its Chairman, Patna
8. The Chairman, Bihar School Examination Board,
9. The National Council for Teacher Education, through its Chairperson, New Delhi
10. The Chairperson, The National Council for Teacher Education, New Delhi

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2133 of 2020

Prashant Shekhar Son of Ram Naresh Sharma Resident of Village- Nagwa Parsa, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Under Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Bihar School Examination Board through its Chairman, Fraser Road, Patna.
5. The Secretary, Bihar School Examination Board, Fraser Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5569 of 2020

1. Niranjan Kumar S/o Yogendra Singh R/o- Sidheshwar Nagar, House no. 180, P.o.- GPO, P.s.- Patliputra, District- Patna, BSITET Roll No. 2502115202
2. Gunjan Kumar S/o sri Shatrughan Prasad Singh, R/o- Tarbanna, Ward no. 34, P.o.- Begusarai, P.s.- Nagar Thana Begusarai, District- Begusarai, BSITET Roll No. 1018118155
3. Bishnu Mukhiya S/o Madhuri Mukhiya R/o- at Lohna East, P.s.- Lonha Road, P.s.- Bhairavasthan, District- Madhubani, BSITET Roll No. 2301115195
4. Husain Tabish S/o Mohazir Hussain R/o- Ward no. 1, Balbhadrhapur Goh , P.o.- Gowpur, P.s.- Ujjiarpur, Dist.- Samastipur, BSITET Roll No. 2405110220
5. Ratnesh Kumar Dwivedy s/o Om Prakash Dwivedy R/o- Shivrajpur, Ward no. 1, P.s.- Nautan, District- West Champaran, BSITET Roll No. 1917118535
6. Akhilesh Kumar s/o Ram Lakhnan Singh, R/o- Ward no. 4, Khesrahi, Raghunathpur, P.o.- Khesrahi, District- Vaishali, BSITET Roll No. 18101110367
7. Vijay Kumar S/o Sukhdeo Mandal R/o- at and P.o.- Marar, P.s.- Morkahi, District- Khagaria, BSITET Roll No. 0910110580
8. Prabritika Kumari W/o Priyabrat Narayan Yadav, R/o- at barahi, P.o.- Anandpura, P.s.- Udakishunganj, District- Madhepura, BSITET Roll No. 150811868

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Government of Bihar, New Secretariat, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna, New Secretariat, Patna
4. The Director, Senior Secondary Education, Government of Bihar, Patna, New Secretariat, Patna
5. The Bihar School Examination Board through its Chairman, Patna
6. The Chairman, Bihar School Examination Board, Patna
7. The National Council for Teacher Education, through its Chairperson, New Delhi
8. The Chairperson, The National Council for Teacher Education, New Delhi
... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5995 of 2020

1. Sunil Kumar Sharma, S/O- Ramesh Sharma, R/O- At and P.O.- Lagumiya Surya Kant, P.S. and District - Samastipur - 848101 BSITET Roll No. 2417110030.
2. Vibha Kumari, D/O- Shashi Kant Pandey, R/o- Muhalla - Sahebganj, Butainbari, P.O.- Chapra, P.S. Chapra Town, District- Saran. BSITET Roll No. 3630118314.
3. Abha Kumari, D/o- Paras Nath Hazra, R/O- At- Chandmari Ekouna motihari, Near SNAITI, Ward no. 26, P.O. - Motihari, P.S. - Town Thana, District East Champran - 845401, BSITET Roll No. 2001110032.
4. Renu Kumari, D/O Shayam Babu Gupta, R/O- At Aamrapati Net Point, Chiraiyatand, Nala Road, P.O. - G.P.O., P.S.- Cankarbagh, District- Patna. STET Roll No. - 2537110088.
5. Pritam Shree, D/O- Kamleshwari Purbey, r/O- At Ward No. 07, Kalawati Nagar, P.O. - Meriganj, P.S.- Ranigang, District- Araria- 854334 BSITET Roll No. 0210110001.
6. Suprabhat Kumar, S/O- Ram Chandra Yadav, R/O - At - Ghoshi Tola, P.O.- Munger, P.S.- Kotwali, District- Munger- 811201, BSITET Roll No. 0515110247.
7. Jayant Kumar, S/o - Jai Narayan Prasad, R/O- At- Shermari Bazar, P.O. and



- P.S. - Pinpiati, District- Bhagalpur- 813209 BSITET Roll No. 1135118290.
8. Shyam Kumar, S/O- Dindayal Prasad, R/O- At- Sandha Khemaji Tola, P.O.- Sandha, P.S.- Muffesil, District- Saran 841301, BSITET Roll No. 3621110370.
 9. Vijay Kumar, S/O- Arjun Thathera, R/O- At and P.O.- Chakway, P.S.- Warisaliganj, District Nawada- 805130, BSITET Roll No. 3214110106.
 10. Md. Saguib Rabbani, S/o- Nasim Akhter, R/o- vill - Guch Laxmipur, P.O.- Doria Sonapur, P.S.- Simraha, District- Araria- 854311, BSITET Roll No. 2568118740.
 11. Alok Kumar Pandey, S/o Rajendra Pandey, R/O- Vill and P.O. - Badka Gaon, P.S.- Mirganj, District- Gopalganj- 841436, BSITET Roll No. 3809118097.
 12. Pragas Kumar, S/O- Lildhari Prasad, R/O village - Pitokhari, P.O.- Rukhai, P.S. - Chandi, District - Nalanda BSITET Roll No. 2609110456.
 13. Ajit Kumar Yadav, S/O- Jaleshwar Prasad, R/O- Vill- Ramjanipur, Vaya- Shivnarayanpur, P.S.- Kalgi Ganj, District- Bhagalpur - 813203, BSITET Roll No. 1133118123.
 14. Amar Kumar, S/O Ravi Nandan Singh, R/o At- Shivnagar Fardogola, P.O.- Muzaffarpur, P.S.- Sadar Bhagawanpur, District- Muzaffarpur, Pin- 842001, BSITET Roll No. 1601110533.
 15. Krishna Prasad, S/O- Bhola Prasad, R/O- vill - Hamid Nagar, P.O. and P.S.- Baghoi, District- Aurangabad, BSITET Roll No. 3105118045.
 16. Naval Krishna, S/O- Krishna Sah, R/O- Muhalla - Chunabhatti, P.O.- Laxmi Sagar, P.S.- L.N.M.U Darbhanga - 846009 BSITET Roll No. 2209110201.
 17. Congress Kumar, S/o Javahar Prasad, R/o village - Pitokhari P.O. - Rukhai, P.S.- Chandi, District- Nalanda, Pin Code- 803108 BSTET Roll No. 2603110417.
 18. Robin Kumar, S/o Suresh Kumar Singh, R/o village - Near Vedanta Hospital Chanakya Nagar, Kumhrar, P.O. - B.H. Colony, P.S.- Agamkuan, Dist- Patna Pin Code- 800026. BSTET Roll No. 2538110169.
 19. Sanjay Kumar Singh, S/o Nageshwar Mandal, R/o at Tale Tola Khuthari, P.O.- Lalapur, Bhader, P.S.- Kahalgaon, District- Bhagalpur, Pin Code - 813203, BSTET Roll No. 1140118081.
 20. Amar Kumar Kamat, S/o Ram Prasad Kamat, R/o village - Devnathpatti, P.O. - Hatni, P.S.- Ghoghardiha, District- Madhubani, Pin code - 847402, BSTET Roll No. 2317118098.
 21. Rajeev Kumar, S/o Umesh Rai, R/o village and P.O.- Sultanpur, P.S.- Derni,



- District- Saran (Chapra), Pin Code- 841202. BSTET Roll No. 3628118566.
22. Abhimanyu Kumar, S/o Binod Prasad, R/o village - Jagdishpur Kushahi, P.O.- Mahamadpur Balmi, P.S.- Motipur, District- Muzaffarpur, Pin Code - 843111. BSTET Roll No. 1623118039.
 23. Julee Kumari, D/o Vishwanath Prasad, R/o village and P.O. - Raghapur Bakhari, P.S. and District- Sitamarhi, BSTET Roll No. 1701115124.
 24. Manish Kumar, S/o Vijay Kumar Singh, R/o village - Makhdumpur, P.O. - Parthu, P.S.- Ekangarsarai, Pin Code - 301301 BSTET Roll No. 2516110065.

... .. Petitioner/s

Versus

1. State of Bihar, through the Chief Secretary Government of Bihar New Secretariat Patna.
2. The principal Secretary, Department of Education, Government of Bihar Patna.
3. The Director, Secondary Education, Government of Bihar Patna New Secretariat, Patna.
4. The Director, Senior Secondary Education, Government of Bihar Patna New Secretariat, Patna.
5. The Bihar School Examination Board through its Chairman, Patna.
6. The Chairman, Bihar School Examination Board, Patna.
7. The National Council for Teacher Education, through its Chairperson, New Delhi.
8. The Chairperson, The National Council for Teacher Education, New Delhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6760 of 2020

1. Rakesh Kumar Son of Rajdeo Singh Resident of Mohalla-Near Devi Asthan Laljee Tola, P.S.-Gandhi Maidan, P.O.-GOP, District-Patna.
2. Abhay Kumar Son of Punit Raut, Resident of Village-Bakra, P.S.-Bind, P.O.-Bakra, District-Nalanda.
3. Rupesh Kumar Son of Ramnandan Prasad Resident of Village-Tetrawan, P.S.-Manpur, District- Nalanda.
4. Amit Kumar, Son of Binod Kumar Singh Resident of Village Sarvodyanagar, Mirjapur Bandwar, P.S.-Mirzapur,P.O.-Sarvodaya Nagar,



District-Begusarai.

5. Aditya Narayan Pandey Son of --- Resident of Village-Barhi, P.S.-Barhi, P.O.-Dhanarua, District-Patna.
6. Ravi Ranjan Kumar Son of Ramish Sharma Resident of Village-Dosut, P.S.-Warisaliganj, P.O.-Dosut, District-Nawada.
7. Phool Chandra Gupta, Son of Satya Narayan Prasad , Resident of -Ward number22, Gola Road, P.S.-Nagar, P.O.-Begusarai, District-Begusarai.
8. Niranjani Gandhi Son of Daya Shankar Prasad Resident of Village-Kumbi, P.S.-Cheriabariapur, P.O.-Kumbhi, District-Begusarai
9. Rajnish Kumar Sinha Son of Pramod Kumar Sinha, Resident of Mohalla-Sai Dham, Rajiv Nagar, Road no 24 P.S. and P.O. and District-Patna.
10. Shishupal Kumar, Son of Ram Nandan Singh Resident of Village-Sikandra, P.S.-Sikandra, P.O.-Sikandra, District-Jamui.
11. Bhola Kumar Son of Surendra KUMar Singh Resident of Village-Dabil, P.S.-Khaira, P.O.-Dabil, District-Jamui.
12. Dharmendra Kumar, Son of Budha Mandal Resident of Lakhanpur, P.S.-Gopalpur, P.O.-Gopalpur, District-Jamui.
13. Jitendra Kumar Roy, Son of Shyam Sundar Roy, Resident of Village-Sirman Dih, P.S. and P.O.-Saraswati Batwar Tolam, Siram Dih, District-Jamui.
14. Sima Kumari Wife of Navin Kumar Resident of Village-NayaGaon, P.S.-Gidhor, P.O.-Naya Gaon, District-Jamui.
15. Sujata Suman Daughter of Raj Narayan Shukla, Resident of Village-Shukla Hotel Chakai More, P.S. and P.O.-Chakai, District-Jamui.
16. Chandra Kant Singh Son of Bhola Prasad Singh Resident of Village-Ratanpur, P.S.-Gidhor, P.O.-Ratanpur, District-Jamui.
17. Sanjay Kumar Son of Nageshwar Prasad Singh, Resident of Village-Chandra Chak, P.S.-Nimchak Bathani, P.O.-Telari, District-Gaya.
18. Vikas Kumar Son of Late Chakradhar Prasad Singh Resident of Mohalla Naya Tola Mahisouri, P.S. and P.O. and District-Jamui.
19. Shashi Bhushan Kumar Sah Son of Mahadeo Sah Resident of Village-Nardih, P.S.-Jamui, District-Jamui.
20. Jitendra Kumar Dubey Son of Abhimanu Dubey, Resident of Village-Sikhriya, P.S.-Jamui, P.O.-Sanpe, District-Jamui.
21. Vikash Kumar Son of Rajendra Mandal Resident of Village-Tetariya, P.S.-Khaira, P.O.-Nariyana, District-Jamui.
22. Shobha Kumari Daughter of Rajendra Mandal Resident of Village-Tri Dabil, P.S. and P.O.-Dabil, District-Jamui.
23. Narendra Kumar Mishra Resident of Basudeo Mishra, P.S.-Khaira, P.O.-



- Chuan, District-jamui.
24. Diwakar Kumar Ram Son of Bhagwan Ram Resident of Village- Kolhua, P.S.-Khaira, P.O.-Banpur, District-Jamui.
 25. Anuj Kumar Son of Avadh Kishor Singh Resident of Village-Dhobghat, P.S. and P.O.-Gidhaur, District-Jamui.
 26. Manish Kumar Son of Shyam Bihari Prasad Resident of Village-Sarvoday Nagar Guruaa, P.S.-Guraiya, P.O.-Guruaa, District-Gaya.
 27. Punam Kumari Daughter of Janki Nandan Prasad, Resident of Village-Kurmawa, P.S. and P.S.-Kurmawa, District-Gaya.
 28. Priyanka Kumari Daughter of Raghunandan Prasad Resident of Village-Nauranga, P.S. and P.O.-Islampur, District-Nalanda.
 29. Pappu Kumar Son of Devendra Prasad Yadav, Resident of Village-Birampur, P.S.-Harnaut, P.O.-Lohara, District-Nalanda.
 30. Sanjay Kumar Son of Sadan Prasad Resident of Mohalla-Bhainsaur, P.S. Laheti, P.O.-Bihar Sharif, District-Nalanda.
 31. Akshay Kumar Son of Sitaram Prasad Resident of Village-Paingari P.S.-Warisaliganj, P.O.Paingari, District-Nawada.
 32. Dharmvir Kumar Son of Balmukund Yadav Resident of Village-Meyar, P.S.-Noorsarai, P.O.-Kairi Meyar, District-Nalanda.
 33. Abhay Kumar Vidyarthi Son of Yogeshwar Prasad, Resident of Village-Kurmawan, P.S.-Cherki, P.O.-Kurmawan, District-Gaya.
 34. Kumar Ajay Son of Ramjee Prasad Resident of Mohalla-Umesh Chandra Sarkar Road Pita Maheshwar, P.S.-Civil line, P.O.-Head Post Office, District-Gaya.
 35. Avinash Kumar Son of Nand Kishor Singh, Resident of Village-Ghanshyam Bigha, P.S.-Makhdumpur, P.O.-Birra, District-Jehanabad.
 36. Kaudhal Kishor Son of Sunil Kumar Resident of Village-Janakpur, P.S.-Muffasil, P.O.-Buniyadganj, District-Gaya.
 37. Manish Kumar Son of Baleshwar Prasad Singh Resident of Village-Sripur, P.S.-Belaganj, P.O.-Sripur, District-Gaya.
 38. Akhilesh Kumar Son of Surendra Prasad Singh Resident of Village-Kosdihra, P.S.-Sandesh, P.O.-Pawar, District-Bhojpur.
 39. Abhishek Kumar Son of Indu Shekhar Singh Resident of Village-Birpur Thana Road Ward No.4, P.S.-Birpur, P.O.-Birpur, District-Supaul.
 40. Shveta Kumari Daughter of Ramashish Singh Resident of Village-Birna, P.S. and P.O.-Sikathi, District-Buxar.
 41. Subodh Kumar Son of Dinesh Singh, Resident of Village-Kurdheta PS-Pakaribarwan, P.O.-Simeriya, District-Nawada.



42. Kumari Sweta, Daughter of Rajendra Singh Resident of Village-Mohaddiganj, P.S. and P.O. Sasaram, District-Sasaram.
43. Santosh Kumar Gupta Son of Lakhan Lal Gupta, Resident of Villge-Ganjpar, P.S.and P.O.-Barbiga, District-Shekhpora.
44. Pradeep Kumar, Son of Jageshwar Prasad, Resident of Village-Jagdishpur, P.S.Nalanda,P.O.Nirpur, District-Nalanda.
45. Priyanka Kumari Daughter of Nagendra Prasad Resident of Village-Lagunaha, P.S.-Chautarna, P.O.-Lagunaha, District-West Champaran.
46. Sanjay Kumar Pandey, Son of Mithilesh Pandey, Resident of Village-Uttarnawan, P.S.-Rahui, P.O.-Uttarnawan, District-Nalanda.
47. Munna Kumar Singh Son of Triloki Singh Resident of Village-Barkagaon, P.S.-Tarari, P.O.-Barkagaon, District-Bhojpur.
48. Vijay Kumar Son of Arjun Mehto, Resident of Dhira, P.S.-Halsi, P.O.-Dhira, District-Lakhisarai.
49. Shivdatt Kumar Pal, Son of Shashi Kumar Pal, Resident of Village-Namand, P.S.-Sialo, P.O.-Namand, District-Nalanda.
50. Arun Kumar Singh Son of Late Rameshwar Prasad Singh Resident of Village-Bhadas Utri Ward number 9, P.S.-Muffasil, P.O.-Bhadas, District-Khagariya.
51. Jitendra Kumar Sharma Son of Naryan Sharma Resident of Village-Balaur, P.S. and P.O.-Rasauk, District-Khargaria.
52. Birju Kumar Son of Nand Kumar Prasad Resident of Village-Mala Chakaryapath, P.S. and P.O.-Jehanabad, District-Jehanabad.
53. Amit KUMar Son of Rajendra Singh Resident of Village-Unta Madarpur, P.S. and P.O. and District-Jehanabad.
54. Brajendra Kumar, Son of Ram Prasad Pandit, Resident of Village-Jolahbiga, P.S.-Parasbiga, P.O.-Sakurabad, District-Jehanabad.
55. Brajesh Kumar Singh Son of Brij Kishor Singh Resident of Village-Maksudpur Karariya, P.S.-Shyampur Bhathan, P.O.-Maksudpur Karariya, District-Sheohar.
56. Nitesh Kumar Son of Ramdeo Sah Resident of Village-Ghachhi Tola Power House road, Ward Number 32, P.S. and P.O. and District-Begusarai.
57. Rajendra Mahto Son of Narayan Mahto Resident of Village-Masarh, P.S.-Udwant Nagar,P.O.-Masarh, District-Bhojpur.
58. Mithilesh Kumar Son of Bhuvaneshwari Mehta Resident of Village-Ward number 11, Jiwachpur, P.S. and P.O.-Tikajiwachpur, District-Madhepura.
59. Santosh Kumar Saon of Chandra Deo Prasad, Resident of Village-Amakuan,



- P.S.-Tikari, P.O.-bara, District-Gaya.
60. Hari Krishna Kumar, Son of Janardan Prasad, Resident of Village-Rais, P.S.-NTPC Barh, P.O.-Bhagwatipur Karmour, District-Patna.
 61. Dheeraj Kumar Singh Son of Ranjeet Prasad Singh Resident of Mohalla-Nayatola Mahisauri by Pass road, South of LIC Office, P.S. and P.O. and District-Jamui.
 62. Kumar Sudhanshu, Son of Gajadhar Prasad Resident of Village-Darsanda, P.S. and P.O.-Sikandra, District-Jamui.
 63. Bibhuti Kumar Singh Son of Manohar Singh, P.S.-Gidhaur, P.O.-Gidhaur, District-Jamui.
 64. Sandeep Kumar Son of Raghunandan Prasad Resident of Village-Lahasi Bigha, P.S.-Aungari Dham, P.O.-Bisai Bigha, District-Nalanda.
 65. Ratnmeshwar Rajhans, Son of Shiv Shankar Rajhans, Resident of Village-Kumardih, P.S.-Khaira, P.O.-Banpur Gidhaur, District-Jamui.
 66. Md. Akhlaque, Son of Abdul Subhan, Resident of Village-Khajanpura, P.S.-Patepur, P.O.-Bariyarpur, District-Vaishali.
 67. Ranjeet Kumar Son of BHla Mahto, Resident of Village-Machhahi,P.S.-Sakra, P.O.-Machhahi, District-Muzaffarpur.
 68. Sanjeev Kumar Son of Sarwan Mishra Resident of Village-Barma thaman Bigha, District-Gaya.
 69. Ratan KUMar Mandal Son of Shivnarayan Mandal Resident of -Sakraili, P.S.-Danokhora, P.O.-Bijaili, District-Katihar.
 70. Niraj Kumar Singh Son of Krishna Kumar Singh Resident of Ward no. 22, Durgasthan Colony no.1, P.S.-Kathihar, P.O.Kathihar, District-Katihar.
 71. Vijay KUMar Son of Ramlagan Mahto, Resident of Ward No.4, Teja Tola, P.S. and P.O. and District-Katihar.
 72. Rajesh Kumar Son of Subhash Bhagat, Resident of Village-Lahasha, P.S.-Mansahi, P.O.-Kuretha, District-Katihar.
 73. Kailash Kumar Mandal Son of Mahrndra Mandal, Resident of Village-Khaira, P.S.-Muffasilkatihar, P.O.-Danokhora, District-Katihar.
 74. Ajay KUMar Son of Yogendra Prasad Tiwari Resident of Village-Jhanjhara, P.S.-Pasraha, P.O.-Jhanjhara, District-Khagaria.
 75. Suman Kumar Son of Indradeo Singh Resident of Banmankhi, P.S.-Banmankhi, P.O.-Kajhi, District-Purnea.
 76. Swadesh Suman Son of Devnarayan Yadav Resident of Village-Ramnagar Sarwasa, P.S.-Muffasil Katihar, P.O.-Belwa, District-Katihar.
 77. Toshu Kumari Daughter of Pramod Kumar Resident of Dhanesar Ghat, P.S.-Biharsarif, P.O.-Biharsarif, District-Nalanda.



78. Niranjn Kumar Son of Ashok Kumar Singh Resident of Babuganj, P.S.-
Rafiganj, P.O.-Rafiganj, District-Aurangabad.
79. Chunchun Kumar Son of Ramswarup Singh Resident of Village-Gurmha,
P.S.-Muffasil, P.O.-Sadipur, District-Hawada.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Government of Bihar,
Patna.
2. The Additional Secretary, Education Department, Government of Bihar.
3. The Bihar School Examination Board, Patna, Bihar.
4. The Examination Controller, Bihar School Examination Board, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7645 of 2020

1. Ranjit Kumar Raini Son of Suresh Khan Village- Sahuria, P.S.- Janki Nagar,
District- Purnea, BSITET Roll No. 0110110466
2. Alok Kumar Chandan Son of Mahadeo Jha Village- Mahinathpur, P.S.-
Basopatti, District- Madhubani, BSITET Roll No. 1701110236
3. Rakesh Kumar Son of Ram Kripal Sah Village- Panchtaki Jadu-14,
Panchtaki, P.S.- Baorgania, District- Sitamarhi, BSITET Roll No.
1712118206
4. Sudhansu Kumar Son of Krishna Kumar Village- Sakh Mohan, P.S.-
Bibhutipur, District- Samastipur, BSITET Roll No. 2416110979
5. Rajesh Ram Son of Rambilas Ram Village- Bariarpur (West) Ward No. 3,
Khodawandpur, District- Begusarai, BSITET Roll No. 1012110077
6. Rajesh Kumar Son of Rameshwar Mahto Village- Bhuswar, P.S.- Bibhutipur,
District- Samastipur, BSITET Roll No. 2411110798

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Chief Secretary Govt. of Bihar, New Secretariat, Patna.
3. The Principal Secretary Human Resources Department, New Secretariat,
Patna.
4. The Principal Secretary Department of Education, New Secretariat, Patna.
5. The Director Secondary Education, Government of Bihar, Patna, New



Secretariat, Patna.

6. The Director Senior Secondary Education, Govt. of Bihar, Patna, New Secretariat, Patna.
7. The Bihar School Examination Board Through its Chairman.
8. The Chairman Bihar School Examination Board, Patna.
9. The Deputy Secretary Education Department, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8108 of 2020

1. Bibekanand Kumar Son of Khagendra Yadav Resident of Village-Laxminiya, P.s.-Triveniganj, P.O.-Daparkha. District-Supaul.
2. Rajesh Kumar Son of Mahendra Sahu Resident of Village-Ram Nagar, P.S.-Bhapityahi, P.O.-Shahpur, District-Supaul.
3. Sanjeev Kumar Son of Hriday Narayan Yadav, Resident of Village-Daparkha, P.S.-Triveniganj, P.O.-Daparkha, District-Supaul.
4. Jai Praash Bharti, Sono f Ram Vatar Yadav, Resident of Village-Ladugarh, P.S.-Jankinagar, P.O.-Ladugarh, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Government of Bihar, Patna.
2. The Additional Secretary, Education Department, Government of Bihar.
3. The Bihar School Examination Board, Patna. Bihar.
4. The Examination Controller, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1987 of 2020)

For the Petitioner/s : Mr.Sanjeev Kumar Mishra

For the Respondent/s : Mr. Hitesh Suman

For Interveners : Ms. Ritiaka Rani

For the NCTE : Mr. Sunil Kumar Singh

(In Civil Writ Jurisdiction Case No. 2133 of 2020)

For the Petitioner/s : Mr.Shashank Chandra

For the Respondent/s : Mr.Smt.Shilpa Singh (Ga12)

(In Civil Writ Jurisdiction Case No. 5569 of 2020)



For the Petitioner/s : Mr.Shashi Shekhar Tiwary
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)
For the NCTE : Mr. Sunil Kumar Singh
(In Civil Writ Jurisdiction Case No. 5995 of 2020)
For the Petitioner/s : Mr. Shashank Chandra
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)
For the NCTE : Mr. Sunil Kumar Singh
(In Civil Writ Jurisdiction Case No. 6760 of 2020)
For the Petitioner/s : Mr.Ritika Rani
For the Respondent/s : Mr Subash Chandra Mishra, (SC -16)
For the B.S.E.B. : Sunil Kumar Mandal
(In Civil Writ Jurisdiction Case No. 7645 of 2020)
For the Petitioner/s : Mr.Nagendra Kumar Singh
For the Respondent/s : Mr.Umesh Narayan Dubey, AC to G.P. 27
For the B.S.E.B. : Mr. Gyan Shankar
(In Civil Writ Jurisdiction Case No. 8108 of 2020)
For the Petitioner/s : Mr.Ritika Rani
For the Respondent/s : Mr.Umesh Narayan Dubey, AC to G.P. 27
For the B.S.E.B. : Mr. Gyan Shankar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
C.A.V. JUDGMENT
Date : 09.02.2022

All these writ petitions have been heard together and a composite order is being passed.

2. The petitioners in C.W.J.C. No. 1987/2020 (Preeti Priya and 120 others) had initially challenged the letter contained in memo no. 2381 dated 27.12.2019 issued under the signature of the Director, Secondary Education, Department of Education, Govt. of Bihar which *inter alia* directed all the then Executive Officers -cum-Deputy Development Commissioners and other authorities for not



considering the persons for appointment as secondary and senior secondary school teachers who have not passed /obtained the B.Ed. Degree within five years of the publication of result of secondary / senior secondary teachers eligibility test 2011 (hereinafter referred to as 'BSTIET') conducted by the Bihar School Examination Board (hereinafter referred to as 'Board') for the reason that the guidelines of BSITET, 2011 clearly stipulated that a person would become eligible for such employment only when one year B.Ed. degree is obtained within five years of BSITET, 2011 result.

3. During the pendency of these writ applications, the grievance of some of the petitioners was redressed by way of a Govt. circular allowing such candidates to be considered who had obtained their B.Ed. degree after obtaining their admission in B.Ed. course in 2016-18 session.

4. The learned counsel for the petitioners informed this Court that the grievance of 77 petitioners of C.W.J.C. No. 1987 of 2020 having been redressed, they would not like to pursue this petition.



5. This Court vide order dated 5.10.2020 allowed one week time to the petitioners to file appropriate affidavit for withdrawal of the writ application on behalf of those whose grievance had been redressed.

6. Pursuant to the aforesaid order, an Interlocutory Application No. 5 of 2021 was filed. The aforesaid I.A. application though was not specifically allowed but it would be deemed that the application of those 77 persons has been withdrawn.

7. It would be profitable to note that later, by two other circulars / letters dated 13.01.2020 and 31.01.2020 issued under the signature of the Deputy Secretary, Education Department, Govt. of Bihar, the above noted condition of obtaining B.Ed. degree within five years of the publication of the BSITET result 2011 was further liberalized / relaxed. Some of the petitioners who did not come within the zone of consideration sought further liberalisation/ clarification in those circulars / letters with necessary sequel direction to the respondents to consider their cases also for appointment on the post of secondary and senior secondary school teachers.



8. The intervenors in C.W.J.C. No. 1987 (Preeti Priya and Others); petitioners in C.W.J.C. No. 6760 of 2020 (Rakesh Kumar and 78 others) and the petitioners in C.W.J.C. No. 8108 of 2020 (Bibekanand Kumar and 3 others) have contended that a strict interpretation to the condition in BSITET guidelines of 2011 be given and only such persons be considered in the 6th phase of appointment who have passed one year B.Ed. Course within five years of the publication of the result of BSITET examination.

9. Resultantly, they have prayed for quashing of the afore-noted circulars dated 13.01.2020 and 31.01.2020.

10. Similar prayers as that in C.W.J.C. No. 1987 of 2020 (Preeti Priya and Others) have been made by the petitioners in C.W.J.C. No. 5569 of 2020 (Niranjan Kumar and 7 others), C.W.J.C. No. 5995 of 2020 (Sunil Kumar Sharma and 19 others) as well as in C.W.J.C. No. 7645 of 2020 (Ranjit Kumar Raini and 5 others).

11. In order to appreciate the contention of the parties, it would be necessary to refer to some basic facts.



12. In the year 2011, Secondary / Senior Secondary Teachers Eligibility Test (BSITET), 2011 was conducted by the Board. For any person to appear in the Eligibility test of 2011, the minimum requirement was (Clause - VIII of the Rules) was of 50% marks in graduation from a recognized university with 5% concession to the candidates of SC/ST, EBC and physically disabled categories. Similar condition but with post-graduate degree for Higher Secondary School Teachers was fixed. Only for the residents of Bihar, the candidates were required to obtain one year B.Ed. degree within five years.

13. The one year B.Ed. course prescribed by the National Council for Teachers Education (hereinafter referred to as the 'NCTE') was later changed by the Regional Director of the Eastern Regional Committee of NCTE and the course duration for B.Ed. was made for two years, which was implemented and made effective from 2015-17 session onwards.

14. For most of the petitioners who had taken BSITET examination of 2011, the results were published in the year 2012 (14.06.2012). However, for the examinees in



the district of Saharsa, there was a re-examination in the year 2013 and the results of such re-examinees were also published in the year 2013 (28.06.2013).

15. It would also be relevant here in this context to state that the validity period for the BSITET 2011 examination was initially for a period of seven years from the date of publication of result but it was extended for a further period of two years vide order dated 26.06.2019 contained in memo no. 084 of 2019. Now the validity of the BSITET, 2011 has been extended for life (Memo No. 893 dated 22.06.2021 issued under the signature of the Deputy Secretary, Education Department with the approval of the competent authority).

16. Pursuant to the aforesaid extension of the validity period of the BSITET result, the Deputy Secretary, Education Department, Govt. of Bihar came out with a notification dated 01.07.2019 contained in memo no. 1142 for 6th phase of appointment of Government Teachers and directed all the employment units to fill up the vacant posts of Secondary and Senior Secondary School Teachers. The vacancies were published by different employment units in



the State of Bihar which led the petitioners to fill up forms for being considered for their selection.

17. Some of the petitioners had not completed the B.Ed. course within five years of the publication of the result and the reason ascribed was that during the currency period of five years from the date of publication of the result of BSITET, duration of the B.Ed. course was increased from one year to two years. This, therefore, required some relaxation in the Rules of 2011 BSITET examination or else all the candidates would be put to insurmountable difficulties.

18. In the district and various employment units, though merit / selection list was prepared but on complaints from different quarters that the list also contained the names of the persons who had not passed the B.Ed. examination within five years of the publication of BSITET result, a decision was taken on 27.12.2019 contained in memo no. 2381 by the Director, Secondary Education, Govt. of Bihar that cases of only such candidates would be considered who have completed one year B.Ed. course within the period of five years in terms of Clause -VIII of the



Guidelines of 2011.

19. While this decision was challenged and many writ petitions were pending consideration, the Government, in its wisdom, came out with another notification dated 13.01.2020 contained in memo no. 43 under the signature of the Deputy Secretary, Education Department, Govt. of Bihar indicating that in the wake of confusion over the reckoning date from which five years criteria was to be counted, namely, whether it had to be counted from the date when the examination was held or from the date of the publication of the result, a decision was taken that it shall be reckoned from the date of publication of the result.

20. By the aforesaid letter, it was decided that candidates who had appeared in the BSITET examination of 2011, whose results were published in the year 2012 and who had enrolled themselves in B.Ed. course in session 2015-17 and whose results of B.Ed. course was published in the year 2018, would be considered in the 6th phase of appointment process referred to above. Similarly, persons whose results were published in the year 2013 who had



taken admission in the B.Ed. course in session 2016-18 and whose result was published on or before 1st of August 2019, shall be considered.

21. Thereafter another decision was taken on 31.01.2020 which clarified the earlier circular. After taking into account that the result of BSITET, 2011 was published in the month of June 2012 and the candidates had to face difficulty in getting admitted in B.Ed. course in session 2012-13, the base year for such pass-outs of 2012 was taken to be 2013 and with that calculation, it was decided that only those successful candidates who had enrolled themselves in the two years B.Ed. course in session 2016-18 would be eligible for appointment in the 6th phase, provided that before the last date for submitting application, they had obtained the B.Ed. degree. Similar concession was made for such persons whose results were published in the year 2013.

22. The aforesaid decisions of the Government in the Education Department impacted the careers of such persons who had not obtained one year B.Ed. degree within the period of five years or who had not obtained the degree of two years B.Ed. course on or before the last date for



submission of form for 6th phase of appointment or if they had obtained the B.Ed. degree but had not enrolled themselves for two years B.Ed. course in session 2016-18 or 2017 -19 as the case may be (those whose BSITET result was published in 2013; though this was not clearly specified in the later circular of 31.01.2020).

23. The aforesaid two decisions have not been challenged by most of the petitioners as it comes to their succor but some of them seek a further clarification with respect to the case of pass-outs of 2013 regarding the base year for them. However, aforesaid two circulars dated 13.01.2020 and 31.01.2020 have been questioned by the intervenors and some of the writ petitioners with s as being in breach of the original guidelines of BSITET examination of 2011.

24. Some of the petitioners whose BSITET results were published in the year 2012 and they had got themselves enrolled in B.Ed. course in session 2017-19 (their B.Ed. results having been published in the year 2019 prior to the last date fixed for submitting the application for the 6th phase of appointment process), were also not



considered by the respondents by resorting to an extremely technical reading of the aforesaid letters dated 13.01.2020 and 31.01.2020 that they had not enrolled themselves in B.Ed. course in 2016-18 session, which had been recognized, but had enrolled only in 2017-19 session which was recognized only for pass-outs of 2013, though not specifically but by necessary implication.

25. The petitioners have contended that when five years window was given to successful candidates of BSITET, 2011, they ought to have been given the entire period of five years with relaxation for the reason that the one year B.Ed. course was compulsorily changed to two years course. It has thus been argued that the cut-off date for obtaining B.Ed. degree for such persons should have been 2017 and 2018 respectively. In that event, any person who enrolled himself in session 2017-19 cannot be ignored and non-suited as the beginning of that session was in the last of the five years period. Even otherwise, if those petitioners have obtained their B.Ed. degree which is the basic requirement, before the last date of submission of form, it has been argued, that there cannot be any reason



why they should not be considered for being selected for such posts.

26. The second limb of argument of such petitioners is that if the base year for 2012 result was taken to be 2013, then any person having enrolled himself in B.Ed. course session of 2017-19 would be within the cap of five years from the date of publication of result. Thus, there would be no justification for insisting upon the enrollment of such candidates in the B.Ed. course latest by session 2016-18 or 2017-19 if the BSITET result was published in 2013 and not beyond. What is relevant is that he should have got himself enrolled in B.Ed. course in such a way that within a period of five years, he would have obtained such degree, if it were of one year duration. It was also urged on behalf of the petitioners that after the BSITET, 2011, no other examination has been held upto now.

27. The interveners in C.W.J.C. No. 1987 of 2020 as well as the petitioners in C.W.J.C. No. 6760 of 2020 and C.W.J.C. No. 8180 of 2020 have challenged the aforesaid circulars on the ground that the rules of the BSITET examination framed in the year 2011 could not have



been changed midway for the purposes of selection /appointment on the posts of Secondary and Senior Secondary School Teachers.

28. By taking reference of three decisions of the Supreme Court, namely, **P. Mahendran Vs. The State of Karnataka; AIR 1990 SC 405, A.A. Calton Vs. The Director of Education and Ors.; AIR 1983 SC 1143** and **Bedanga Talukdar vs. Saifudaullah Khan & Ors.; 2011 (12) SCC 85**, it has been urged that any change in the course duration of B.Ed. by NCTE was to be made prospective and it ought not to have impacted the BSITET Guidelines of 2011 which permitted B.Ed. course of only one year duration.

29. It has been vehemently argued on behalf of the interveners that if at all the two years' B.Ed. course is permitted to be taken into consideration because of the decision by NCTE, the outer limit of five years from the date of publication of result of the BSITET, 2011 should be strictly adhered to or otherwise it would unnecessarily enlarge the pool from where the candidates would be selected, giving premium to slow and lethargic persons who



took time in obtaining the B.Ed. degree over such persons who have shown extreme promptitude and have obtained the B.Ed. degree within the time so specified in the guidelines of 2011. It has categorically been argued that five years period for obtaining B.Ed. degree has to be counted from the date of filing of the application by the respective candidates.

30. On behalf of the petitioners, the aforesaid contention is sought to be negated on three counts, namely, the rules of the game so far as the appointment process is concerned has not been changed. The BSITET examination was held only for short-listing the persons who had basic qualification of graduation/post-graduation and from amongst whom who would have passed BSITET examination and had obtained B.Ed. degree, selection was to be made. That no selection was made for several years even after the results were published in 2012 and 2013 respectively is itself an indication that the rules and the guidelines of BSITET, 2011 was not in fact an advertisement governing the appointment process. Each round of appointment process was separate and, therefore, any liberalization by way of clarification of the guidelines of



passing B.Ed. examination by recognizing particular date and session of enrollment under B.Ed. course to a later date cannot be said to effect a change in the rule of the game midway.

31. It has also been urged that any statute has to be considered in such a manner which causes least hardship and simultaneously serves the purpose. The requirement of basic educational qualification is not being changed. All that has been done is to recognize the base year as 2013 and 2014 for the pass -outs of 2012 and 2013 respectively from which date five years outer limit is to be counted.

32. Some difficulty has been created for the petitioners with the decision of a Co-ordinate Bench of this Court dated 28.01.2021 passed in C.W.J.C. No. 7446 of 2020 (Manoj Kumar and 9 Others vs. the State of Bihar and Others). In the aforesaid case, the learned Single Judge has taken into account the rules of BSITET 2011, more particularly Clause 8(K)(III) and has held that any person who has not obtained B.Ed. degree within five years i.e. not later than June 2017 for those whose BSITET results were



declared in the year 2012 and not later than the year 2018 whose results were declared in the year 2013, would be eligible for being considered.

33. The circulars of the Government dated 13.01.2020 and 31.01.2020 do not appear to have been taken into consideration which circulars had in fact superseded the directions in the circular dated 27th of December 2019.

34. The learned counsel for the State, however, has submitted that the aforesaid two circulars had been brought to the notice of the Co-ordinate Bench and, therefore, it would be presumed that the same was considered but an express opinion was given on interpretation of Clause -VIII (K)(III) Rules of BSITET, Rules of 2011 to mean that any person having obtained B.Ed. degree beyond 2017-18 as the case may be, would not be eligible for being considered.

35. The learned counsel for the petitioners, on the other hand, have submitted that the judgment by the Co-ordinate Bench of this Court referred to above, has at best been rendered sub-silentio with respect to the two



circulars referred to above or has not at all noticed the aforesaid circulars. In either of the events, it would be no authority under the eyes of law and there would be no justification for this Court to refer the matter to the Division Bench if this Court comes to a different opinion in view of the later circulars of the Government.

36. After having heard the learned counsel for the parties, it becomes rather graphically clear that in order to avoid difficulties for the candidates whose BSITET result was declared in the year 2012, their base year was treated as 2013 and for those whose results were published in the year 2013, the base year would naturally be taken to be 2014 if that concession was given for the pass-outs of 2012. The reckoning date for counting five years has been made effective from the date of publication of BSITET result. In order to further clarify, the circular dated 31.1.2020 clearly stipulates that the pass-outs of 2012, who have enrolled themselves in two years B.Ed. course latest by session 2016-18 and have obtained the B.Ed. degree prior to the last date fixed for submission of form for 6th phase of appointment, would be eligible. Similar concession has been



accorded to the pass-outs of 2013 but the same has not been spelt out specifically, leaving some ambiguity with respect to the recognition of the session of B.Ed. course for such pass-outs of 2013. If similar treatment has to be given to pass-outs of 2013, it would naturally mean that the Government intended to treat 2014 as the base year for such candidates and, therefore, they would be required to have enrolled themselves compulsorily latest by 2017-19 session of B.Ed. course with the caveat that they would have obtained the B.Ed. degree before the last date as has been recognized in case of pass-outs of 2012.

37. To further clarify, it is noted that the candidates who are the pass-outs of 2012 or 2013 but have not enrolled themselves in the B.Ed. course either in 2016-18 session or 2017-19 session respectively but have obtained the B.Ed. degree prior to the cut-off date, they might constitute a separate class for which no decision has been taken by the Government.

38. It would be only appropriate that they be directed to approach the concerned authorities for providing relaxation to them for being treated as eligible candidates for



consideration for selection, if that is permissible under the rules.

39. Adverting to the arguments of the intervenors in C.W.J.C. No. 1987 of 2020 and the petitioners in C.W.J.C. No. 6760 of 2020 and C.W.J.C. No. 8180 of 2020, the contention raised on their behalf do not appear to be acceptable. The BSITET examination was held for determining the eligibility of the candidates and every appointment process was truly separate. The guidelines of BSITET would not control the appointment process in different phases of appointment as the validity period of the BSITET result has been extended for perpetuity (initially for five years, extended for two years and later extended for life) and many persons who had qualified in the test have not yet been appointed on the post of teacher for which the 6th phase of appointment process has now been initiated. With the clarification regarding computing the period of five years for having obtained the basic degree of B.Ed. from the date of publication of result, no basic rule or guideline of BSITET have been changed or tinkered with. In the opinion of this Court, it would be too much for the intervenors and



the petitioners in the aforesaid cases to claim their exclusive candidature for the 6th phase of appointment on the ground that such interpretation would lead to enlargement of the pool from where the appointees are to be selected.

40. The clarification regarding the reckoning date of five years has not changed the rule of the game midway.

41 In **P. Mahendran vs. State of Karnataka** (supra), the Karnataka General Service (Motor Vehicle Branch) Recruitment Rules of 1962 (as amended in 1976) laid down the minimum qualification of diploma in automobile engineering or mechanical engineering for direct recruitment to the post of Motor Vehicle Inspectors. The Karnataka Public Service Commission had issued an advertisement in the year 1983 inviting applications for the said posts, declaring that the selection was to be made in accordance with the recruitment rules of 1976. During the selection process but before the publication of the result, the recruitment rules were changed in the year 1987, omitting the qualification of diploma in mechanical engineering for Motor Vehicle Inspectors. Some of the



candidates, who had been unsuccessful in the 1st round of selection process, challenged the merit / selection list on the ground that with the change in the recruitment rules, the entire process got vitiated. The State Administrative Tribunal quashed the selection process but the High Court of Karnataka held that if a candidate had applied for a post in response to an advertisement in the light of the recruitment rules, he acquired a right to be considered for selection in accordance with the then existing rules, which could not have been affected by the amendment in the rules unless the amending rule was made retrospective in nature. The view of the Karnataka High Court was affirmed by the Supreme Court.

42. The proposition laid down in the aforesaid case does not at all apply to the facts of the present case where no such rules regarding basic qualification have been changed but only a clarification has been made with respect to the reckoning date for counting the number of years within which B.Ed. degree could be obtained. Such clarification came, as noted above, in the wake of the Government taking cognizance of the difficulties faced by the



candidates in enrolling themselves in B.Ed. course which had hitherto been of one year duration only and has been changed to two years duration since 2015 onwards. In order to remove difficulties, the base year for the pass-outs of 2012 and 2013 was taken to be 2013 and 2014 respectively. This clarification does not at all impinge on the basic rules provided in the guidelines of BSITET, 2011, even that were to be assumed to be an advertisement for the appointment of secondary / senior secondary school teachers. The basic rules, it is reiterated, has not been changed but only a gloss has been put in order to remove any impediment in calculating the number of years within which the basic degree of B.Ed. had to be obtained. This interpretation by way of clarification ought not offend anyone, but it certainly facilitates many.

43. In **A.A. Calton vs. the Director of Education and Others** (supra), again it was held that no retrospectivity could be given to any statutory provision so as to impair or take away any existing right, unless the statute either expressly or by way necessary implication directs that it should have such retrospective effect.



44. In **Bedanga Talukdar vs. Saifudaulah Khan & Ors** (supra), the Supreme Court specified that there can be no arbitrariness in the process of conducting examination or of appointment. The selection process has to be conducted strictly in accordance with the stipulated selection procedure. When a particular schedule is mentioned in the advertisement, the same has to be scrupulously maintained and there could not be any relaxation in the terms and conditions of the advertisement unless such power is specifically reserved. Such a power could be reserved in the relevant statutory rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such powers in the rule, it could still be provided in the advertisement. However, if the power of relaxation, if exercised has to be given due publicity. This, in the opinion of the Supreme Court, would be necessary to ensure that those candidates who become eligible due to relaxation are afforded an equal opportunity to apply and compete with others. Relaxation of any condition in the advertisement without due publication would be contrary to the mandate of



appointment process.

45. It has been explained in the preceding paragraphs that the guidelines in BSITET examination only determines the eligibility of the candidates for being appointed / selected for secondary / senior secondary teachers. One of the important guidelines is that such result would be given effect to only if B.Ed. degree is obtained by a successful candidate within five years of publication of result. As noted above, there has been some clarification at the end of the employer regarding counting of those five years. There is no question of there being no publicity to such interpretation as all the candidates who were successful in the BSITET result of 2011 and who come within the zone of consideration became eligible for a separate appointment phase based on such result, the validity of which has been extended for life.

46. Now the question for consideration of this Court is whether the judgment delivered by a Co-ordinate Bench of this Court in Manoj Kumar (supra) be treated as precedent for these batch of writ petitions to be disposed off in terms of the aforesaid judgment and whether the finding



in the aforesaid judgment is an express declaration regarding the eligibility of any pass-out of the BSITET, 2011.

47. In the aforesaid judgment, it has been held as under :-

“Having heard learned counsel for the parties and on going through the materials on record, the relevant facts which transpire are that clause 8(ka)(iii) of the guidelines of 2011 clearly provides that the candidates will have to obtain their one year B.Ed degree after qualifying the STET 2011. The fact not in dispute with respect to the petitioners is that the result of STET 2011 of the petitioners was published on 14.6.2012 (Annexure 3 series) and the result of some of the petitioners was published in June 2013. As per clause 8(ka)(iii) of the guidelines of 2011 the petitioners should have obtained their B.Ed. degree within five years i.e. not later than June 2017 and for some June 2018. Not having obtained their B.Ed. degree within the time prescribed the petitioners were rightly not considered for the post of secondary and senior secondary teachers in the 6th phase. With respect to the contention of the petitioners that the petitioners could not obtain their B.Ed. degree within five years because of the change in duration of the course from 1 year to 2 years, the Court does



not find any merit in the same for the reason that the said change came about by the letter dated 10.12.2014 (Annexure 2) of the NCTE with effect from the academic session 2015-2016 and the petitioners having completed their teachers eligibility test in June 2012 or 2013, had all opportunities to complete their B.Ed. degree within five years as required in clause 8(ka)(iii) of the guidelines of 2011 by completing the same in the sessions 2012-2013, 2013-2014, 2014-2015, 2015-2017 or 2016-2018.

Thus, there being no merit, the writ application is dismissed.

48. From a bare reading of the judgment, it would appear that the two circulars of the Govt. in the Education Department, namely, the circulars dated 13.01.2020 and 31.01.2020, though, were brought on record by the State and also by some of the petitioners by way of an Interlocutory Application, but those circulars do not appear to have been adverted to.

49. The learned counsel for the State, however, for some reason has stated that the Co-ordinate Bench would be deemed to have been in know of the aforesaid circulars and, therefore, the judgment would only



mean that such circulars were taken note of but because of the guidelines in the BISITET examination, the same was not relied upon.

50. The aforesaid argument of the State is not tenable for the reason that though the aforesaid circulars were brought on record by way of counter affidavit but the same has not at all been considered. If it is assumed for sometime that those circulars were in the knowledge of the Hon'ble judge, such judgment, at best, would be either sub-silentio of the aforesaid two circulars or would be in complete ignorance of the later interpretation by the Government / Employer. In either case, it would be of little or no authority on the issues dealt with in the aforesaid two circulars.

51. In **Municipal Corporation of Delhi vs. Gurnam Kaur, 1989 SCC (1) 101**; the Supreme Court followed the principle laid down in **Lancaster Motor Company (London) Ltd. vs Bremith Ltd; (1941) 1 KB ER 675**. In the aforesaid case, the Delhi High Court had issued direction to the appellant to construct a kiosk from the date of the order or to furnish a plan of action with



requisite permission for Gurnam Kaur (respondent) for an alternative stall. The Court, however, relied on a precedent which was based on the consent of the parties and there was virtually no reason why a direction was to be made to the Corporation. No sooner was it noticed by the Supreme Court, it was held that a decision which is not express and is not founded on reasons nor it proceeds on consideration of the issue, cannot be deemed to be the law declared to have a binding effect.

52. This proposition was further sought to be explained by stating that:-

“A decision passes sub silentio, in the technical sense that has come to be attached to that phrase, when the particular point of law involved in the decision is not perceived by the court or present to its mind. The Court may consciously decide in favour of one party because of point A, which it considers and pronounces upon. It may be shown, however, that logically the court should not have decided in favour of the particular party unless it also decided point B in his favour;



but point B was not argued or considered by the court. In such circumstances, although point B was logically involved in the facts and although the case had a specific outcome, the decision is not an authority on point B. Point B is said to pass sub silentio”.

(quoted from Salmond on Jurisprudence 12th edition -P.J. Fitzgerald in Municipal Corporation of Delhi vs. Gurnam Kaur (supra).

53. This Court is thus of the view that if the aforesaid two circulars of the Govt. dated 13.01.2020 and 31.01.2020 were not taken into account in the aforesaid judgment, it would not make any precedent to be followed.

54. Thus, the aforesaid batch of writ petitions are being disposed of by holding that in accordance with the guidelines of the BSITET, 2011 and the relevant circulars of the Govt. in the Education Department :-

(I) Candidates whose BSITET result was published in the year 2012, who have enrolled themselves for B.Ed. course latest by session 2016-18 and have obtained B.Ed. degree before the cut-off date being the last date for



submitting of application for 6th phase of appointment, shall be eligible.

(II) Candidates whose results have been published in the year 2012 but they have enrolled themselves in the B.Ed. course in session 2017-19 notwithstanding that they have obtained the B.Ed. degree prior to the cut-off date shall not be eligible but they shall have the liberty to approach the concerned respondent for considering their cases also for selection / appointment as they have obtained their B.Ed. degree prior to the last / cut-off date. In such cases, if a suitable representation is made before the authorities, it shall be adverted to and an order shall be passed either rejecting or accepting their claim, which shall be made known to the petitioners without any delay and preferably before the selection process is concluded. The authorities concerned shall while taking a decision in that regard shall also take into account, as submitted by the learned



counsel for the petitioners, that no eligibility test for appointment of teachers has been conducted after 2011 and that precisely for this reason, the results have been made valid for life. Any suitable representation with respect to relaxation of age of the candidates who would fall in such category, is also expected to be considered favourably.

(III) Candidates whose BSITET results have been published in the year 2013 and who have enrolled themselves in the B.Ed. course latest by session 2017-19 and have obtained their B.Ed. degree prior to the cut-off date shall again be eligible on the same principle.

55. With the aforesaid declaration / observation, these writ petitions are disposed of.

(Ashutosh Kumar, J)

sunilkumar/-

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