
(2009) 04 PAT CK 0139
In the Patna High Court
Case No : CWJC No. 3758 of 2009

Atul Kumar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 24-04-2009

Acts Referred:

Citation : (2009) 3 PLJR 44

Hon'ble Judges : J.B. Koshy, C.J; Ravi Ranjan, J

Bench : Division Bench

Advocate : Ashutosh Ranjan Pandey, Ramanuj Tiwary and Anshuman, for the Appellant;

Judgement

1. Heard learned counsel for the parties. The main case of the petitioner is that even though the subject of Physical Education and Fine Arts are compulsory up to Class-VIII, but the respondents are not making appointments of Teachers for teaching Fine Arts in Elementary Schools though provision for appointment of Fine Arts Teachers has been made under the Bihar Zila Parishad/Municipal Secondary School & Higher Secondary School Teacher Appointment Rules.
2. According to the counter affidavit, in the Elementary Schools, subject-wise teachers are not appointed except the regular teachers, who are appointed in Elementary Schools, have also to get basic training of Fine Arts and they are required to impart education of Fine Arts also to the students studying in Elementary Schools.
3. Considering the above aspect of the matter, we are of the view that it would not be proper for this Court to compel the Government either to create posts or prescribe qualifications for appointment of teachers. These are all policy matters.
4. The second contention of the petitioner is that many posts of teachers are vacant and without teachers, the students cannot study.
5. It is the duty of the State to see that the standard of education shall not be

decreased. In fact, now elementary education is a constitutional right and, therefore, the State should endeavour that all the existing vacancies of teachers in the Elementary Schools are filled up as early as possible. There should be sufficient teachers to teach the students.

6. Drawing the attention of the Court to Annexure-9, it is stated that the Government is assessing the vacancies and, as and when vacancies are assessed, steps will be taken to fill up those vacancies.

7. In the above circumstances, we direct the Government to take steps to fill up all the vacancies existing in the Elementary Schools according to law from amongst the qualified teachers, as prescribed under the Rules as expeditiously as possible and steps in this regard should be started before the next Academic Year begins. With the above observations, this writ application stands disposed of.