
(2005) 03 JH CK 0054

In the Jharkhand High Court

Case No : Writ Petition (S) No. 540 of 2005

Chandra Shekhar Yadav

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 31-03-2005

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 14(1), 16

Citation : (2005) 2 JCR 322

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Anil Kr. and G.S. Prasad, for the Appellant; P. Modi, G.P. I, for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—This case relates to appointment to the post of Primary Teacher in the State of Jharkhand. The petitioner, who claims to be eligible for appointment and has been declared successful in the written test, has prayed for direction on the respondents to appoint him to the post of Primary Teacher.

2. The brief facts of the case, as pleaded by petitioner, is that the Jharkhand Public Service Commission (J.P.S.C. for short) published notice in the newspaper "HINDUSTAN" on 29th August, 2002 calling for application for appointment to the post of Primary Teacher under the State of Jharkhand. In pursuance of the said notice, the petitioner applied for his appointment and appeared in the written test held on 27th May, 2003. The list of successful candidates was published on 13th November, 2003. He was declared successful and his name was recommended for appointment as Primary Teacher in the District of Ranchi. The District Superintendent of Education, Ranchi, thereafter asked the successful candidates, including the petitioner, to appear in his office for verification of mark sheet, certificates etc. with two passport size photographs. The petitioner appeared before him on 6th January, 2004 and produced the relevant certificates and photographs. The grievance of the petitioner is that the respondents,

thereafter, have not provided him with letter of appointment though others have been appointed and he produced the relevant certificates, including two years Teachers' Training certificate granted by Bihar School Examination Board.

3. According to petitioner, he studied and completed two years Teachers' Training Course (Sessions 1985-87) from one Maharshi Dayanand Primary Teachers Training College, Neturpahari (Dumka). The examination was held by the Bihar School Examination Board, which published the result on 16th March, 1992. He passed the examination with 1st Division.

4. Counsel for the State submitted that a candidate, who completed Teachers Training Course from unrecognized institution, cannot be appointed as Primary Teacher in the State. He placed reliance on Rule 2(kha) of Rules, 2002, which reads as follows :

"2. Definitions-

xx xx xx (kha) "Trained" means those persons who have got and passed the following training from a recognized Training Institution--

(i) Two years Teachers Training, or (ii) B.Ed./Dip.in Ed./Dip.in Teach

.... "

5. Similar issue fell for consideration before a Division Bench of this Court in the case of Dilip Kumar Gupta and Ors. v. State of Jharkhand and Ors., L.P.A. No. 235 of 2004, see Dilip Kumar Gupta and Others Vs. State of Jharkhand and Others, and analogous cases, disposed of on 30th March, 2005. Having noticed the provisions of Rule 2(kha) and the expression "Recognized Training Institute" and the guidelines, issued by the States of Bihar and Jharkhand from time to time, this Court held :

"(a) "Recognized Institute" means an institution recognized or established by State Government or Union Government or by Statutory Bodies/Organizations, maintained and controlled by either State Government or Central Government or recognized University or affiliated by a recognized University for imparting education (training herein);

(b) After 1st July, 1995 or at best for another period of six months i.e. after 1st January, 1996 nobody, offering a course or training in Teachers Education, can run the institute without prior recognition by the N.C.T.E., there being bar to run such institute under subsection (1) to Section 14 of the N.C.T.E. Act, 1993;

(c) Even if a Teachers Training "Institute is affiliated to a University, recognized by the University Grant Commission, no Teachers Training Examination can be held by the University whether provisional or otherwise, for the students of such Teachers Training College after 1st January, 1996, if the institute is not recognized by the N.C.T.E., in view of Clause (b) to Section 16 of the N.C.T.E. Act, 1993;

(d) A person, who has completed and obtained a Degree/Diploma/Certificate in Teachers Training Course prior to 31st January, 1996 i.e. six months after promulgation of the N.C.T.E. Act, 1993 from an institute, recognized or established by the State Government or Union Government or by Statutory Bodies/Organizations, maintained and controlled by either State Government or Central Government or recognized University or affiliated by a recognized University for imparting Teachers Training Education, is eligible for appointment to the post of Primary Teacher, if otherwise found fit; and

(e) Since 4th September, 2001 i.e. the date N.C.T.E. (Determination of Qualification and Recruitment of Teachers) Regulation, 2001 came into force, no untrained person can be appointed to the post of Primary Teacher."

6. In this case, the petitioner completed two years Teachers" Training Course during the Sessions 1985-87 of which result was declared in the year 1992 i.e. much prior to the date the N.C.T.E. Act, 1993 was given effect. Therefore, the question of recognition of the institute, namely, Maharshi Dayanand Primary Teachers Training College, Neturpahari (Dumka) by N.C.T.E. during the aforesaid period does not arise. If the petitioner has completed two years Teachers Training Course of which examination was conducted by the Bihar School Examination Board, the State Government cannot reject his claim for appointment, if he has been declared successful and his name has been recommended by J.P.S.C.

7. Having regard to the facts and circumstances, I feel that the petitioner has made out a case for direction on the respondents to consider his case for appointment to the post of Primary Teacher in a Primary School within the State of Jharkhand. Accordingly, the case is remitted with a direction to the District Superintendent of Education, Ranchi to consider the case of petitioner for his appointment to the post of Primary Teacher and to pass an appropriate order within a period of six weeks from the date of receipt/production of a copy of this order.

8. This writ petition is allowed, with the aforesaid observations/directions.