

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No. 2785 of 2023

1. Jharkhandi CTET Utteern Abhiyarthi Sangh through its Secretary
Sonu Suman

2. Saroj Kacchap Petitioners

Versus

1. The State of Jharkhand

2. The Chief Se Jharkhand, Ranchi

3. The Secretary, School Education and Literacy Department,
Government of Jharkhand, Ranchi

4. The Director, Primary Education and Literacy Department, Ranchi

5. Jharkhand Academic Council through its Chairman, Ranchi

... .. Respondents

With

W.P. (C) No. 5559 of 2022

1. Suraj Bihari Mandal @ Suraj Mandal

2. Julfakar Ansari

3. Nilesh Kumar Singh

4. Pintu Kumar Mahto

5. Sandeep Kumar Gupta

6. Md. Jubair Alam

7. Aravind Kumar Thakur

8. Ritesh Kumar Yadav

9. Sumit Shukla

10. Amir Husain

11. Md. Ejaz Ansari

12. Md. Wasim Akhtar Ansari

13. Md. Aqil Jawed

14. Raj Mandal

15. Amit Kumar Yadav

16. Chiranjeet Mandal

17. Dhiraj Mahto

18. Kunj Bihari Mandal

19. Sabyasachi Sahu

20. Archana Sangeeta Kachhap Petitioners

Versus

1. State of Jharkhand through the Secretary, Department of School
Education and Literacy, Government of Jharkhand, Ranchi

2. Secretary, Department of School Education and Literacy,
Government of Jharkhand, Ranchi

3. Director, Primary Education Directorate, Department of School
Education and Literacy, Government of Jharkhand, Ranchi

4. Jharkhand Academic Council, Ranchi, through its Secretary

5. Secretary, Jharkhand Academic Council, Ranchi

6. Union of India, through the Secretary, Department of School
Education and Literacy, Government of India, Ministry of Human
Resource Development, New Delhi

7. Secretary, Department of School Education and Literacy, Government of India, Ministry of Human Resource Development, New Delhi
8. National Council of Teacher Education, a statutory body of the Government of India, through its Secretary, New Delhi
9. Secretary, National Council for Teacher Education, New Delhi.

... .. Respondents

W.P. (C) No. 5697 of 2022

1. Motilal Layek
2. Arun Kumar Mahto Petitioners

Versus

1. The State of Jharkhand
2. The Secretary, Human Resource Department, Government of Jharkhand, Ranchi
3. The Director, Primary Education and Literacy Department, Ranchi
4. The Jharkhand Academic Council, through its Chairman, Ranchi.
5. The Member Secretary, National Council for Teachers Education, New Delhi

... .. Respondents

W.P. (C) No. 1936 of 2023

1. Asha Kumari
2. Prabhakar Kumar Choudhary
3. Amit Kumar
4. Arvind Kumar Yadav
5. Chhote Lal
6. Amit Kumar
7. Dharmendra Kumar Bhuiyan
8. Rohit Kumar Saw
9. Vivekanand Vimal
10. Dinesh Prasad Verma
11. Rajesh Mandal
12. Shivram Gope
13. Ravishankar Prajapati
14. Akhilesh Kumar Mehata
15. Taslim Akhtar
16. Manoj Kumar Yadav
17. Abhishek Kumar Ray
18. Tapas Kumar Ghosh
19. Laltu Maji
20. Ajay Kumar Mandal
21. Gotam Sager
22. Varun Kumar Yadav
23. Jitendra Kumar Baidya
24. Himanshu Shekhar
25. Puran Kumar Mandal
26. Ajay Kumar Dinkar
27. Manoj Kumar Pandit
28. Vikram Kumar Keshri
29. Arun Kumar

30. Kumar Rahul
31. Kumari Anshu Priya
32. Abhishek Kumar
33. Devilal Hembrom
34. Pintu Kumar
35. Chandrika Prasad Gupta
36. Amit Kumar Maji
37. Rakesh Kumar
38. Bikram Chattopadhyaya
39. Rajesh Kumar Mahato
40. Shiv Shankar Pradhan
41. Manoj Saw
42. Saroj Kumar Das
43. Vinod Kumar Murmu
44. Sushmita Rani
45. Yogendra Prasad
46. Maya Kumari
47. Pushpa Kumari Gupta
48. Rajanish Kumar Yadav
49. Md. Sanaul Hasan
50. Gulam Sarwar Ansari
51. Arvind Kumar Yadav
52. Imran Ansari
53. Md. Afroz Ahmad
54. Anand Prasad
55. Rakesh Kumar
56. Sabita Kumari
57. Satya Prakash
58. Birendra Prasad
59. Md. Mumtaz Alam
60. Dinesh Kumar Verma
61. Md. Rafique
62. Nitish Kumar
63. Pramod Kumar Mehta
64. Kuldeep Kumar Srivastava
65. Md Irshad
66. Azharuddin Ansari
67. Lov Kumar Prajapati
68. Md. Salamat Ansari
69. Falguni Prasad Yadav
70. Subhash Singh
71. Jitendra Kumar Mandal
72. Thaneshwar Rakshit
73. Baleshwar Mahto
74. Bipin Bihari Mahato
75. Sourav Kumar
76. Saurav Kumar
77. Kumari Nandini Rana
78. Diwakar Mahatha
79. Manoj Kumar Thakur

80. Upendra Prajapati
81. Subodh Kumar Yadav
82. Chanchal Mondal
83. Pawan Kumar Singh
84. Prahalad Pal
85. Deepika Lakra
86. Surajdeep Thakur
87. Ramesh Kumar Gupta
88. Kaushik Kumar
89. Nirmal Kumar Pal
90. Madhusudan Mahatha
91. Ravi Roshan Soren
92. Jagannath Mehta
93. Anuj Kumar Chandravanshi
94. Prabhat Kumar
95. Pramod Kumar
96. Jagdip Mahto
97. Anil Kumar Rahi
98. Arvind Kumar
99. Shiuli Sadhu
100. Sunil Prasad Kushwaha
101. Nizamuddin Ansari
102. Dipti Lata Giri
103. Abhimaniu Yadav
104. Ashok Kumar Murmu
105. Dalu Ram Mahato
106. Abhishek Kumar
107. Nishant Pandey
108. Narayan Mahato
109. Mina Kumari
110. Sourav Halder
111. Sunil Kumar Acharya
112. Chandra Shekhar Srivastava
113. Pramod Gope
114. Md. Imran Hussain
115. Mehtab Alam
116. Rani Kumari
117. Sapan Kumar Raut
118. Arbind Kumar
119. Md. Kalimuddin Ansari
120. Md. Samim Ansari
121. Suman Kumari
122. Debendra Nath Mandal
123. Saeed Alam
124. Md. Imamuddin Ansari
125. Chintamani Saw
126. Pintu Kumar
127. Mithilesh Kumar Ray
128. Pankaj Kumar
129. Gautam Mohanty

130. Deepak Prakash
131. Shankar Kapardar
132. Jay Prakash Mahto
133. Pratap Pradhan
134. Arun Kumar Pramanik
135. Deepak Kumar Gorain
136. Vinay Kumar Turi
137. Deepak Prasad Kushwaha
138. Ramprawesh Yadav
139. Tapos Chandra Poddar
140. Tamal Mondal
141. Shailendra Pd. Kushwaha
142. Satyendra Kumar
143. Shashikant Ranjan
144. Ashok Sahu
145. Anil Kumar Yadav
146. Nagendra Kumar
147. Samanta Mahato
148. Srikant Prasad
149. Arif Hasan Ansari
150. Shadab Warish Ansari
151. Md. Shahnawaz Hussain
152. Rafat Jabeen
153. Noor Fatma
154. Leelawati Kumari
155. Sarita Kumari
156. Pappu Kumar
157. Amit Kumar Sharma
158. Manohar Kumar Mahto
159. Sonu Kumar
160. Nitish Kumar
161. Suresh Kumar Saw
162. Bali Singh Choudhary
163. Panchanand Singh Choudhary
164. Kuldeep Singh
165. Subhash Ranjan
166. Suman Sekhar
167. Aditya Kumar Goutam
168. Kuldip Singh Choudhary
169. Sushant Kunal
170. Sanjit Kumar
171. Rahul Kumar
172. Jagarnath Gope
173. Bhuneshwar Mandal
174. Naresh Kumar
175. Krishna Kumar
176. Md. Ajaz Ansari
177. Rajiv Kumar Mehta
178. Kaunein Ahmad
179. Lalan Singh Mahto

180. Vidyadhar Mahto
181. Akshay Kumar Mahatha
182. Sonu Kumar Mahto
183. Vivekanand Mahto
184. Niranjan Kumar Roy
185. Aditya Raj
186. Neeraj Kumar Roy
187. Md. Nesar Ahmad
188. Jayprakash Kumar
189. Rajeev Ranjan Mahto
190. Chitra Lekha Kumari
191. Juhi Kumari
192. Vikash Anand
193. Manoj Kumar Mahato
194. Balaram Bera
195. Doman Mahato
196. Sanjay Kumar
197. Modi Pintu Narayan
198. Praveer Anand
199. Ghanshyam Kumar
200. Nitesh Kumar Sinha
201. Rakesh Ranjan Pathak
202. Chhote Lal Choudhari
203. Ritu Kumari
204. Nitish Kumar Mahto
205. Deepak Kumar
206. Sultan Ansari
207. Bikash Maji
208. Bikash Maji
209. Snehlata Kumari
210. Shankar Ram
211. Sahadeb Mahato
212. Uday Kumar Thakur
213. Akash Nishit Minz
214. Shailesh Kisku
215. Santosh Kumar
216. Farhat Parveen
217. Anuradha Kashyap
218. Uma Satua
219. Megha Priya
220. Vikash Kumar Sah
221. Geeta Kumari
222. Kundan Kumar Mandal
223. Mukesh Kumar Dangi
224. Santosh Kumar Dangi
225. Md. Minhaj Akhtar
226. Tarkeshwar Mahto
227. Tinku Kumar Mahto
228. Khusbu Kumari
229. Amit Kumar Chourasiya

230. Raishul Alam
231. Sanjiw Soni
232. Aditya Mahato
233. Md. Izhar Alam
234. Md. Manawwar
235. Sonu Kumar Verma
236. Anil Kumar
237. Rajesh Kumar Paswan
238. Daijy Kumari
239. Sanjib Kumar Dutta
240. Johra Khatun
241. Shikha Kumari
242. Md. Gulam Mustafa Ansari
243. Islam Ansari
244. Md. Rizwan Ansari
245. Saddam Hussain
246. Salim Ansari
247. Jamil Ansari
248. Manoj Kumar
249. Anil Kumar
250. Kuldeep Prajapati
251. Hashim Raza
252. Manish Kumar
253. Aayush Kumar Srivastaw
254. Pankaj Kumar Ojha
255. Manish Kumar
256. Baikunth Sharma
257. Raunak Kumar Dubey
258. Mahendra Saw
259. Kajal Kumari
260. Mahesh Kumar Mandal
261. Salma Khatoon
262. Ruby Kumari
263. Manoj Kumar
264. Md. Niyaz Ahmad
265. Shekhar Shubham
266. Deepak Kumar
267. Gopal Kumar
268. Tirtha Dey
269. Gour Hari Roy
270. Gunja Kumari
271. Padmini Kumari
272. Bhagyanandan Mandal
273. Mukesh Kumar
274. Arvind Kumar
275. Sanjeev Kumar
276. Malay Sahu
277. Bikrant Mahato
278. Bidyut Mahato
279. Dilip Kumar Saw

280. Pintu Kumar Yadav
 281. Sudhir Yadav
 282. Sanjay Kumar
 283. Jitendra Hazra
 284. Krishna Kanta Ghosh
 285. Ajay Rana
 286. Rajesh Ghosh
 287. Mithu Maji
 288. Chandan Maji
 289. Rahul Kumar Ghosh
 290. Geeta Kumari
 291. Puja Kumari Maahto
 292. Sudarshan Kumar Ravi Das
 293. Jyanti Kumari
 294. Rubana Parween
 295. Anindita Pani
 296. Lalita Kumari Sandil
 297. Abdul Hamid
 298. Saddam Hussain
 299. Ajay Bhandari
 300. Sachin Kumar
 301. Jiten Gorain
 302. Gulam Mustafa Ansari
 303. Razak Ansari
 304. Kshitish Kumar Mahato
 305. Nitish Kumar Mahato
 306. Pritish Mahato
 307. Sanjay Kumar Yadav
 308. Md. Asghar Ali Petitioners

Versus

1. The State of Jharkhand
2. The Secretary, Department of School Education of Literacy Development, Government of Jharkhand, Ranchi
3. The Director, Primary Education and Literacy Department, Ranchi
4. Jharkhand Academic Council, through its Chairman, Ranchi.
5. Union of India, through the Secretary, Department of School Education and Literacy, Government of India, Ministry of Human Resources Development, New Delhi.
6. The Member Secretary, National Council for Teachers Education, New Delhi

... Respondents

CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.

 For the Petitioners: Mr. Ajit Kumar, Sr. Advocate
 Mr. Vikalp Gupta, Advocate
 Mr. Kushal Kumar, Advocate
 Mr. Rohit Ranjan Sinha, Advocate
 Mr. Vishal Kumar, Advocate
 Mr. Piyush, Advocate

For the State:	Mr. Rajiv Ranjan, A.G. Mr. Ratnesh Kumar, S.C.(L&C)-I) Mr. Gaurav Raj, A.C. to A.A.G-II Mr. Prashant Kumar Rai, A.C to S.C.(L&C)-I)
For the JAC:	Mrs. Richa Sanchita, Advocate Mrs. Pinky Shaw, Advocate Ms. Risheta Singh, Advocate
For the NCTE:	Mr. P.A.S. Pati, Advocate
For the UOI:	Mr. Sunil Kumar, Advocate Mr. Shiv Kumar Sharma, CGC -----

05/Dated: 20.12.2023

The matter is listed today under 'To be Mentioned' category. Further hearing is taken up.

Upon hearing the learned counsel for the parties, this Court passed the following, (Per, Sanjaya Kumar Mishra, C.J.)

ORDER

1. This bunch of writ petitions has been filed by the Jharkhandi CTET Utteern Abhiyarthi Sangh through its Secretary Sonu Suman and certain persons, who are qualified to be appointed as Primary Teachers with a prayer to direct the respondents to take appropriate steps for conducting Teachers Eligibility Test (in short 'STET'), which has not been held for the last eight years. It is not disputed that the last examination was held in the year 2016. The grievance of the petitioners is that a large number of candidates available in the State of Jharkhand, who have acquired all other requisite qualification for participating in the process of recruitment of teachers in the State other than having STET qualification, only because of laches and fault on the part of the respondents, who have neither conducted State TET since 2016, nor have taken a decision to recognize CTET qualification as equivalent eligibility in the State for including about three to four lakhs aspirants, who are getting over age just on account of laches of the official representing the State and lose a chance in participating in the forthcoming selection process.
2. The matter was heard by us and in course of hearing on 25.07.2023, our attention was drawn to clause 10 of the Guidelines conducting TET wherein, it has been provided at Sub Clause (b) that

a school referred to in Sub Clause (i) and Sub Clause (ii) mentioned therein may also consider eligibility of a candidate who have obtained TET Certificate awarded by another State/UT with legislature. In case a State Government/UT with legislature decides not to conduct a TET, a School at (i) and (ii) in that State/UT would consider the TET conducted by the Central Government.

3. In view of such position, we were of the opinion that the State Government is genuinely creating a number of posts for which State TET examination is required to be conducted, which has not been held for the last almost nine years (sic), i.e., last examination was held in 2016, then it should take into consideration the said provision. We, therefore, advised the learned counsel for the State to file a short affidavit stating whether they intend to allow those candidates, who have obtained TET certificate from the Central Government or any other State/UT, provided other conditions are fulfilled.

4. In pursuant thereto, a supplementary counter affidavit has been filed by the respondents on 16.08.2023 wherein, it has been stated on behalf of the State Government as follows:-

- “7. That it is stated that that one of the essential qualifications for a person to be eligible for appointment as a teacher in any of the schools referred to in Clause (n) of section 2 of the RTE Act is that he/she should pass the Teacher Eligibility Test (TET) which will be conducted by the appropriate Government in accordance with the guidelines framed by the NCTE.
8. That it is stated and submitted that State of Jharkhand is intending to implement the Jharkhand TET Objectives in consonance to the geographical and regional needs, requirements such as various languages, Tribal Languages/Culture and Hindi language speaking population within the state of Jharkhand.
9. That it is most humbly submitted that the Central Teacher's Eligibility Test hereinafter referred to CTET is basically concerned and is conducted for determining the eligibility of candidates for teacher posts for Classes 1 to 8 in Central Government Schools such as NVS/ KVS and other Schools.
10. That it is stated at the State of Jharkhand has formulated its own Teacher's Eligibility Test, Rules 2019 vide Notification No. 103 dated 04.10.2019 which apart from Math/ Science, Social Studies teachers stipulates for language teachers. The rules further prescribes for eligibility of teachers for imparting education of regional languages, other local/ tribal languages for the preservation of cultural needs and diversities of the State.
11. That it is stated that Jharkhand Teacher's Eligibility Test, Rules 2019 prescribes for different eligibility criteria with respect to appointment of language teachers who are required to have

qualification one atleast one local language out of various local and tribal languages spoken in the State.

12. That it is stated that Jharkhand Council of Educational Research and Training Ranchi is responsible for performing the important functions of promotion of educational research, improvement of educational techniques, practices and research findings, develops curriculum instructional and exemplar materials, methods of teaching, techniques of evaluation, teaching aids.”

5. The main concern that is raised by the learned Advocate General in course of hearing today is that certain languages, which are spoken only in the State of Jharkhand and unless that is included in the curriculum of the examination for determining the eligibility of the candidates for being appointed as teachers in the State definitely the purpose of recruitment of teachers should be defeated. However, we are of the opinion that these aspects of objections can be taken care of by making certain stipulation in the order that is being passed.

6. However, in course of hearing of these writ petitions today, learned Advocate General appearing for the State would submit that he has received oral instructions that the State is willing to relax the criteria for eligibility as far as the candidates having CTET examination certificate with a stipulation that in a future date they have to clear the State TET examination and those persons should be the residents of Jharkhand. Since the law provides that every year, there should be a TET examination and for the last so many years, there has been no examination for testing the eligibility of the aspirants to be appointed as teachers, we are of the opinion that not only those candidates, who have CTET certificate and residents of Jharkhand, but also those residents of Jharkhand, having other qualification and having State TET examination certificate of any of the neighboring States should also be given a chance to appear in the examination with certain stipulations which we propose to lay down in the following paragraphs.

7. In view of the proposal made by the learned Advocate General and also having considered the matter to a great anxiety, we, hereby,

dispose of the writ petitions and the W.P.(PIL) directing the State Government to conduct the TET examination every year, henceforth.

8. We further direct that those residents of the State of Jharkhand, who are otherwise eligible to appear in the examination and hold a CTET certificate or a certificate issued by the neighboring States having resident of Jharkhand shall be allowed to appear in the ongoing process with a further stipulation that the State shall ensure that the examination, if not held within a year, is held at least within next three years and the candidates who have participated in the selection process and have been appointed have to clear that STET examination within a period of three years by giving one chance. They shall pass it within three years and in one first available chance.

9. We further stipulate that the State Government shall not conduct the examination at least for next three months so that the candidates should get some time to get ready or prepare for the exam. If the State Government fails to conduct the examination within three years then the stipulation will not take its full effect and those candidates who have cleared the examination process and having otherwise qualified shall not be removed from service.

10. There shall be no orders as to costs.

11. All pending Interim Applications stands disposed of.

12. Grant urgent certified copy of this order as per the Rules.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)

N.A.F.R.