

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Civil Review No. 58 of 2021

Noor Islam, S/o Azharul Islam, R/o Village-Kismat Kadamsayr, P.O.-
Jhikarhati, P.S.-Pakur (M), District-Pakur Petitioner

Versus

1. The State of Jharkhand
2. The Deputy Commissioner-cum-Resident Sarva Siksha Abhiyan, Pakur
3. District Program Officer, Pakur
4. Sub-Divisional Officer, Pakur
5. Child Development Program Officer, Pakur

..... Opp. Parties

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr. Birendra Kumar, Advocate

For the Opp. Parties: Mr. Faisal Allam, AC to SC (Mines)-III

05/25.03.2026

I.A. No. 3899 of 2026:

1. Heard learned counsel for the parties.
2. This interlocutory application seeks condonation of delay of 145 days in instituting this review petition.
3. We have perused the reasons set out in the present interlocutory application and we are satisfied that they constitute sufficient cause. Therefore, the delay is condoned and the present interlocutory application stands disposed of.

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4. Upon condoning the delay, we have heard the learned counsel for the petitioner on the merits of the review petition.
5. Learned counsel for the petitioner submits that a recommendation for appointment of the petitioner was made before the cut-off date of 01.04.2010. He submits that the candidates similar to the petitioner, who also did not have training qualifications, were appointed as Para Teachers based upon a similar recommendation made before the cut-off date of 01.04.2010. Therefore, there was no reason to deny appointment to the petitioner.

6. Learned Division Bench, while disposing of L.P.A. No. 168 of 2018 vide order dated 12.09.2019, against which the present review petition has been filed, observed that the petitioner undisputedly did not have the qualifications of B.Ed or Teachers Eligibility Test (TET) by the cut-off date of 01.04.2010. Accordingly, a mere recommendation did not cloth the petitioner with the legal right for appointment under the provisions of the NCTE Act as well as Rules and Circulars prescribed by the NCTE laying down mandatory eligibility conditions for appointment as Para Teachers. According to us, no case is made out to review the order dated 12.09.2019 disposing of L.P.A. No. 168 of 2018. Firstly, there is no clarity about the other untrained appointees that the petitioner refers to. Secondly, even equality has to be claimed for legal appointments and not for illegal appointments. There can never be any equality of illegalities. If the legal provisions under the NCTE Act as well as Rules and Circulars prescribed by the NCTE insist upon training qualification for a Para Teacher and the petitioner, admittedly, did not possess such qualification before the cut-off date, no error can be found in the reasoning of the learned Single Judge or the learned Division Bench in the view which they have taken.
7. Accordingly, we see no reason to exercise our review jurisdiction in this matter.
8. The present review petition is accordingly dismissed without any order for costs.

(M. S. Sonak, C.J.)

(RAJESH SHANKAR, J.)