

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18107 of 2016

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Raj Choudhary s/o Arjun Chaudhary resident of Village Chewara, P.S.
Chewara, District Shekhapura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Mass Education, Bihar, Patna.
3. The District Magistrate, Shekhapura.
4. The District Education Officer, Shekhapura.
5. The District Programme Officer, Shaksharta, Shekhapura.
6. The District Programme Officer, R.M.S.A., Shekhapura.
7. The Block Education Officer, Chewara, District Shekhapura.
8. The Headmaster, Ekrama Upgraded Middle School, Chewara, District Shekhapura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amar Nath Singh
For the Respondent/s : Mr.Madanjeet Singh, GP-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-04-2019 The present writ petition has been filed for quashing the order dated 17.03.2016 issued by the respondent no. 5, whereby and whereunder the petitioner has been terminated from the post of Tola Sevak of the Middle School, Ekrama.

The learned counsel for the respondents has raised a preliminary objection regarding maintainability of the present writ petition and has referred to a judgment dated 17.08.2015 passed by a coordinate Bench of this Court in CWJC No. 12390 of 2015 as well as to a judgment dated 02.02.2017 rendered by the learned Division Bench of this Court in L.P.A. No. 2185 of



2015 whereby and whereunder it has been held that since the selection or engagement or hiring of the Tola Sevak is not a permanent appointment under the State, which is required to be considered under Article 226 of the Constitution of India as well as since the post of Tola Sevak is under a scheme, the same does not create any statutory right in favour of the petitioner, hence writ petitions in such matters as that of Tola Sevaks are not maintainable.

Having regard to the aforesaid judgments rendered by a coordinate Bench of this Court as also by the learned Division Bench of this Court, this Court is of the opinion that the present writ petition is not maintainable, hence the same is dismissed. However, liberty is granted to the petitioner to take recourse to such other remedies as are available under the law.

(Mohit Kumar Shah, J)

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