

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8506 of 2017

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1. Sudhir Kumar son of late Shiv Parsan Ram Resident of Bhabua, Ward No. 7, P.O. and P.S. - Bhabua, District - Kaimur.
 2. Munna Prasad son of Ganga Ram Resident of Bhabua, Ward No. 7, P.O. and P.S. - Bhabua, District - Kaimur.
 3. Vijay Kumar Ram son of Ram Dular Ram resident of village - Dulaahpur, P.O. - Kader, P.S. - Bhagwanpur, District - Kaimur.
 4. Jokhan Ram son of Dukhanti Ram resident of village Akhalaspur, PO and P. S. - Akhalaspur , District - Kaimur.
 5. Santosh Kumar Ram son of late Lalita Ram resident of village - Bhagwanpur, P.O. and P.S. Bhagwanpur, District Kaimur.
 6. Kumari Santoshi Swaraj wife of Awadhesh Kumar resident of village - Pihara, P.O. - Aura, Block - Bhagwanpur, District - Kaimur.
 7. Shiv Shankar Ram son of late Ambika Dhobi resident of village - Mohanpur, P.O., P.S. and Anchal - Bhagwanpur, District - Kaimur.
 8. Ramashish Ram son of Kul Ram resident of village and P.O. - Badhowna, P.S. - Chainpur, District - Kaimur.
 9. Kunti Devi wife of Babloo Kumar resident of village - Harnathpur, PO - Harnathpur, P.S. and Anchal - Mohania, District - Kaimur.
 10. Marachhu Ram son of Shiv Prasad Ram resident of Village P.O. Sokhara, P.S. - Chand, District - Kaimur.
 11. Ram Awadh Ram son of Triveni Ram resident of village - Parmalpur, P.O. - Khanethi, P.S. - Sonhan, District - Kaimur.
 12. Shila Kumari wife of Ashok Kumar resident of village - Parmalpur, P.O. - Khanethi, P.S. - Sonhan, District - Kaimur.
 13. Jai Prakash Narayan Bharti son of Birendra Ram resident of village - Kamhari, P.O. - Kasera, P.S. - Bhagwanpur, District - Kaimur.
 14. Nandu Ram son of Guddu Ram resident of village - Marchi, P.O. and P.S. - Bhagwanpur, District - Kaimur.
 15. Satyendra Kumar son of Ramadhar Ram resident of village - Sion, P.O. and P.S. - Bhabua, District - Kaimur.
 16. Ram Awadh Prasad son of late Sukar Ram resident of village - Deura, P.O. - Chakedihara, P.S. - Bhagwanpur, District - Kaimur.
 17. Raja Ram son of Patlu Ram resident of village - Chua, P.O. Umapur, P.S. - Bhagwanpur, District - Kaimur.
 18. Surendra Kumar son of late Nathuni Ram resident of village and P.O. and P.S. Akhlaapur, District - Kaimur.
 19. Ishwar Dayal son of Sri Baleshwar Ram resident of village - Orgaon,



P.O. and P.S. Bhagwanpur, District - Kaimur.

20. Shankar Ram son of Ram Prasad Ram resident of Village P.O. P.S. - Bhagwanpur, District - Kaimur.
21. Sumitra Kumari wife of Srikant Ram resident of village - Kunj, P.O. - Darowali, P.S. - Bhabua, District - Kaimur.
22. Nandlal Prasad son of late Ram Jahan Ram resident of village - Kabar, P.O. - Kudasan, P.S. - Bhabua, District - Kaimur.
23. Sharwan Kumar Ram son of Jagarnath Ram resident of village P.O. - Manihari, P.S. - Bhabua, District - Kaimur.
24. Munna Kumar son of Dashmi Rai resident of village - Baghi, P.O. and P.S. Chand, District - Kaimur.
25. Chinta Kumari wife of Santosh Kumar Paswan resident of village - Karmapur, P.O. and P.S. - Chand, District - Kaimur.
26. Dharmendra Ram Son of Rambali Rai resident of village Orgawon, Anchal - Bhagwanpur, District - Kaimur.
27. Lalita Kumari wife of Sharwan Ram resident of village - Mokaram, P.O. - Jatipur, P.S. - Bhagwanpur, District - Kaimur.
28. Lal Mani Ram son of Laddu Ram Bhabhawawn P.O. and P.S. -Chand, District - Kaimur.
29. Vinod Kumar son of Dhani Ram resident of village - Karwandiya, PO PS - Chand, District - Kaimur.
30. Bharat Ram son of Chitbahal Ram resident of village - Songar, P.O. - Bhararikala, P.S. - Chand, District - Kaimur.
31. Rinki Kumari wife of Ramesh Prasad resident of village - Chua, P.O. - Umapur, P.S. - Bhagwanpur, District - Kaimur.
32. Ramashraye Bharti son of Mohan Ram resident of village - Sihoriya, P.O. and P.S. - Chand, District - Kaimur.
33. Gudiya Kumari wife of Pratap Narain Ram resident of village - Sihoriya, P.O. and P.S. - Chand, District - Kaimur.
34. Virendra Kumar S/o Dharmnath Ram R/o Village - Rajpur P.O. P.S. Bhagwanpur, Dist. Kaimur Bhabua.
35. Chameli Kumari w/o Sudarshan Ram R/o Village Ghosi, P.O. Aura, P.S. Bhagwanpur, Dist Kaimur Bhabua.
36. Satmina Devi W/o Guddu Ram R/o Village Lakhmanpur P.O. P.S. Chainpur, Dist Kaimur Bhabua.

... .. Petitioner/s

Versus



1. The State Of Bihar and Ors
2. The Principal Secretary, Education and Welfare Department, Government of Bihar, Old Secretariat, Patna
3. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Joint Secretary, Government of Bihar, Old Secretariat, Patna.
6. The Director, Sarv Shiksha Abhiyan, Government of Bihar, Patna.
7. The District Magistrate, Kaimur at Bhabua.
8. The District Programme Officer, Bihar Shiksha Pariyojana, Kaimur at Bhabua.
9. The Deputy Secretary, State Mahadalit Commission, Indira Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Pandey

For the Respondent/s : Mr.S.C. Mishra-Sc16

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 24-11-2021

1. Heard Mr. Radha Mohan Pandey, the learned counsel for the petitioners and learned AC to SC -16.

2. The petitioners are aggrieved by the communication made to them vide letter dated 17.02.2012 by the District Programme Officer, Bihar Education Project, Kaimur at Bhabhua intimating them that their services as Tola Sevakas has been dispensed with and they have also been asked to refund the money which they had been paid in



excess of their entitlement.

3. The petitioners were engaged as Tola Sevaks for one year on contract basis with the responsibility of accompanying students of lower strata of society for whole of the day so that they do not run away from the school and also of making efforts for upliftment of their living standards.

4. The engagement letter indicates that such engagement was for one year with an honorarium of Rs. Two Thousand per month. After the period of one year is over, such Tola Sevaks could be re-adjusted depending upon their performance. The engagement letter further indicated that because of such experience as Tola Sevak, such persons would not be entitled to stake any claim for Government service.

5. Mr. Pandey, the learned Advocate for the petitioners submits that the only reason for him to agitate their cause is that the scheme of Tola Sevaks has not been done away with. Surprisingly, such Tola Sevaks who were engaged in the year 2008 -09 and 2013-14 have been allowed to continue with their respective engagements and



are being paid their honorarium. It is only in the district of Kaimur at Bhabhua that the services of Tola Sevaks who were engaged in the year 2011-12, have been dispensed with.

6. The petitioners have been representing before all authorities, who have written to the Principal Secretary, Department of Education for continuance of the petitioners as Tola Sevaks but to no avail.

7. The counter affidavit merely states that the engagement of the petitioners as Tola Sevaks is for only year and the petitioners cannot, therefore, insist for their continuance of such engagement. This statement could have been accepted provided the entire project would have been abandoned. The State has not controverted the factual position that the Tola Sevaks who were engaged before and after the engagement of the petitioners have been allowed to continue with such engagement and recently Tola Sevaks Rule of 2018 also has been promulgated for the effective functioning of such project.

8. Though, the communication intimating the



petitioners about the termination of their engagement was passed in the year 2012 but this petition is being entertained today for the reason that the project has not yet been abandoned and many person who have been engaged as Tola Sevaks in different districts have been allowed to continue.

9. There does not appear to be any rationale behind the picking the Tola Sevaks of one district only who were appointed in one particular financial year, and terminating their engagement.

10. Considering this aspect of the matter, the petitioners are directed to make a detailed representation before the Principal Secretary, Department of Education, Govt. of Bihar within a period four weeks, who on receipt of such representation shall pass a reasoned order within a further period of eight weeks. In case there is no rationale behind disengaging the petitioners when such Tola Sevaks who were appointed in different districts and different financial years have been allowed to continue, necessary sequel action shall be taken as there is nothing on record to



indicate any difference between those Tola Sevaks who were engaged later than the petitioners and are still continuing with such engagement.

11. The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.11.2021
Transmission Date	N/A

