

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.630 of 2019

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Raj Choudhary, S/o Arjun Chaudhary, Resident of Vill.- Chewara P.S.-
Chewara, District- Sheikhpura.

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amar Nath Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-03-2021

Heard the parties.

Aggrieved by judgment and order dated 18.04.2019
passed by learned Single Judge of this Hon'ble Court passed in
C.W.J.C. No. 18107 of 2016 dismissing the writ petition as not
maintainable, present L.P.A. has been filed by the
appellant/petitioner.

Learned Single Judge has dismissed the writ petition as



not maintainable as the issue regarding maintainability of writ petition stands decided by Division Bench of this Court in judgment and order dated 02.02.2017 passed in L.P.A. No. 2185 of 2015.

The relevant paragraph of order passed by learned Single Judge is re-produced below:-

“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.”

This Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by the Court, accordingly, the L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
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