

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5410 of 2020

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Manoj Ravidas Son of Doman Mochi, R/o Village- Ghosrawan, P.S. Giriyak,
District- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. District Magistrate, Nalanda, Bihar.
3. District Education Officer, Nalanda, Bihar.
4. District Programme Officer, literacy, Ghorsawan, Giriyak, Nalanda, Bihar.
5. Block Education Officer, Ghorsawan, Nalanda, Bihar.
6. Adhyaksha , Utthan Tola Samity, Ghosrawan, Giriyak, Nalanda, Bihar.
7. Co-Ordinator, C.R.C. Middle School, Sakuchisarai, Giriyak, Nalanda.
8. The then Headmaster/Headmistress, Government Middle School, Ghosrawan, Giriyak, District- Nalanda, Bihar.
9. The Headmaster/Headmistress (Present), Government Middle School, Ghorsawan, Giriyak, District- Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 29-11-2022

1. Heard the parties.

2. The post of Tola Sevak is admittedly a volunteer appointed under a scheme and would, therefore, not be amenable to writ jurisdiction under Article 226 of the Constitution of India. The writ for seeking directions for payment of remuneration would therefore not lie. The petitioner has remedy available under the civil law.



3. This Court in CWJC No. 6420 of 2018, Pawan Kumar Vs. State of Bihar & Ors, decided on 16.08.2022, held as under:-

“2. The post of Tola Swayam Sevak is by nomenclature post for volunteer under Uthhan Scheme. It is informed that the post of Tola Swayam Sevak is no more in existence.

3. In the considered view of this Court, the writ petition would not lie for seeking appointment on a post which is not in existence.

4. In view thereof, the writ petition is misconceived and dismissed accordingly.”

4. The writ petition is held to be not maintainable and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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