

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5277 of 2022

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Pavan Rajak, S/o Jag Narayan Rajak, Resident of Village - Mohaniya, Ward No. 04, Post - Rampur Saraunja, Simri Bakhtiyarpur, District - Saharsa, Bihar - 852106.

... .. Petitioner/s

Versus

1. The State of Bihar, Patna.
2. The Bihar Education Project Council, through its Director, Bihar Education Project Council, Beltron Bhawan, Shastri Nagar, Patna.
3. The Programme Officer, Vaikalpik Navachari Shiksha, Bihar Education Project, Saharsa.
4. The District Magistrate - Cum - Chairman, Bihar Education Project, Saharsa.
5. The District Superintendent of Education - Cum - District Programme Co-ordination, Bihar Education Project, Saharsa.
6. The Block Education Extension Officer, Null, Simri, Bakhtiarpur Block, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mallika Mazumdar, Adv.
For the Respondent/s	:	Mrs. Usha Kumari (AC to SC13)
For the BEPC	:	Mr. Girijish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 18-04-2022 Heard the parties.

The petitioner by way of this writ petition has submitted that the petitioner belongs to category of Dhobies who have been included by the second recommendation as Mahadalits.

Learned counsel for the petitioner submits that earlier, the petitioner has preferred the writ petition before this Court seeking appointment on the post of Tola Swyam Sewak,



which is Scheme introduced and operated through the Bihar Education Project Council.

Admittedly, an advertisement was issued for appointment of Tola Swyam Sewak and as the petitioner was not selected, they filed writ petition before this Court bearing C.W.J.C. No.13337/2010 which came to be decided by the Coordinate Bench on 20.11.2017 holding them eligible for appointment as they do not belong to Mahadalits category.

Learned counsel for the petitioner submits that several posts of Tola Swyam Sewak are lying vacant. As now the petitioners have been included in the Mahadalits category, they should be offered appointment.

In the considered opinion of this Court, firstly, since the petitioner's writ petition was dismissed by this Court vide order dated 20.11.2017, second writ petition for the same prayer cannot be entertained and the same is liable to be dismissed.

Secondly, this Court also noticed that the appointment of Tola Swyam Sewak was done under an advertisement which was issued under the Scheme in 2012. The Court while dismissing the writ petition of the petitioner had noticed that the Scheme was for a period of five years and the



post is not of Civil nature. The writ petition, therefore, would not be maintainable, nor any direction relating to appointment in Scheme which stands concluded can be passed.

The writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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