

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.481 of 2019

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Shailendra Manjhi Son of Dwarika Manjhi Resident of Village-Khaira, P.S.
Gaurichak, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department ,
Government of Bihar Patna
2. The District Education Officer, Patna.
3. The District Programme Officer (RMSA), Patna.
4. The Block Education Extension Officer, Punpun, S.R.G. District Patna
5. The Head Master, Primary School, Sonachak, Punpun District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha
For the Respondent/s : Mr.Kameshwar Kumar GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 01-05-2023 The petitioner seeks reinstatement on the post of
Tola Sewak whose service has been terminated under the
signature of District Programme Officer, Patna by order dated
07.02.2018 *vide* Memo No. 207.

2. The post of *Tola Sewak* is not statutory and no
recruitment rules are followed for their appointment. A co-
ordinate Bench of this Court in a similar matter of Tola Sewak
in C.W.J.C. No. 18107 of 2016 has held as follows:-

*“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.”

3. The order passed by Co-ordinate Bench presided over by Hon’ble Single Judge in the aforesaid writ application has been affirmed by Division Bench holding that writ petition is not maintainable.

4. Taking into consideration the aforesaid judgment



of this Court and the fact that *Tola Sewak* does not hold civil post as well as the same is not a statutory post, accordingly, I also come to the conclusion, the writ application is not maintainable.

5. This application is dismissed.

(Anil Kumar Sinha, J)

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