

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5022 of 2019

Md. Taslim Mian @ Md. Taslim Son of late Bal Hussain Resident of Village
Rupwara, Police Station Tariyani Hiramma, District Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Director, Jan Shiksha Education Department, Bihar, Patna
4. The District Magistrate, Sheohar
5. The District Education Officer, Sheohar
6. The District Programme Officer(Literacy), Sheohar
7. The District Programme Officer, Sheohar
8. The Block Education Officer, Tariyani Block, District- Sheohar
9. Md. Haidar Ali Son of Md. Israel Resident of Village Rupwara, Ward No. 4, Police Station Tariyani Hiramma, District- Sheohar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Ms.Shilpa Singh (GA12)
: Ms. Abhanjali, AC to GA 12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-11-2023 1. Heard learned counsel for the parties concerned.

2. The petitioner has filed the present writ application for quashing of order dated 10.08.2015, passed by learned District Magistrate, Sheohar by which the claim of the petitioner that he was appointed Tola Sewak has been rejected.

3. The Tola Sewak is appointed under the scheme on contract basis for one year. The post of Tola Sewak is not statutory and no recruitment rules are followed for their



appointment.

4. A Co-ordinate Bench of this Court in a similar matter of Tola Sewak in CWJC 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."*

5. 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.

6. 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, I also come to the conclusion that the present writ application is not maintainable.

7. This application is, according, dismissed.

(Anil Kumar Sinha, J)

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