

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15596 of 2019**

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1. Basant Chaudhary S/o Kapildev Chaudhary Resident of Village Jagdish Kamtaul,PO Anant Kamtaul,PS Kudhani,Block-Kudhani,Dist.Muzaffarpur
2. Randhir Kumar S/o Arun Chaudhary Resident of Village Chakbhikhi,PO Purushottampur,PS Maniyari,Block Kudhani,Dist.Muzaffarpur
3. Rajesh Manjhi S/o Jeemdar Manjhi Resident of Village Mohanpur,PO Kishunpur Madhuwan,P.S. Kudhani,Dist.Muzaffarpur
4. Sunil Chaudhary S/o Ganga Chaudhary Resident of Village Jagarnathpur,PO Padmaul,PS and Block Kudhani,Dist.Muzaffarpur
5. Santosh Kumar S/o Suresh Rajak, Resident of Village and PO Jhikti,PS and Block Kudhani,Dist.Muzaffarpur
6. Nutan Kumari W/o Rajesh Chaudhary Resident of Village and Po Bara Sumera,PS and Block Kudhani,Dist.Muzaffarpur
7. Thagan Manjhi S/o Bhola Manjhi Resident of Village and Po Sakri Saraiya,PS and Block Kudhani,Dist.Muzaffarpur
8. Chanda Kumari W/o Mahesh Chaudhary Resident of Village and PO Bara Sumera,PS and Block Kudhani,Dist.Muzaffarpur
9. Punit Kumar S/o Mahendra Manjhi Resident of Village Thuhma,PO Turki,PS and Block Kudhani,Dist.Muzaffarpur
10. Chanda Kumari W/o Amod Kumar Resident of Village Jagarnathpur,PO Padmaul,PS and Block Kudhani,Dist.Muzaffarpur
11. Rajesh Manjhi S/o Darshan Manjhi Resident of Village Fatehpur,PO Rajla,PS and Block Kudhani,Dist.Muzaffarpur
12. Vijay Kumar S/o Narendra Choudhary Resident of Village and PO Padmaul,PS and Block Kudhani,Dist.Muzaffarpur
13. Indrajeet Chaudhary S/o Bankelal Chaudhary Resident of Village and PO Balaur,PS and Block Kudhani,Dist.Muzaffarpur
14. Pinki Kumari W/o Munna Kumar Resident of Village and PO Turki,PS and Block Kudhani,Dist.Muzaffarpur
15. Kiran Kumari W/o Vijay Rajak Resident of Village and PO Jhikti,PS and Block Kudhani,Dist.Muzaffarpur
16. Raju Kumar Rajak S/o Dasai Rajak Resident of Village Bangra Banshidhar,PO.PS and Block Kudhani,Dist.Muzaffarpur
17. Manju Kumari W/o Kailash Chaudhary Resident of Village Mor Nisf,PO Kerma,PS Maniyari,Block Kudhani,Dist.Muzaffarpur
18. Guddu Manjhi S/o Lal Bahar Manjhi Resident of Village Dharmuha,PO Turki,PS and Block Kudhani,Dist.Muzaffarpur
19. Dasai Manjhi S/o Yadunandan Manjhi, Resident of Village Bangra Hardas,PO,PS and Block Kudhani,Dist.Muzaffarpur

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretary-cum-Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Director, Primary Education, Education Department, Govt. of Bihar, New Secretariat, Patna
4. The State Programme Officer, Bihar Education Project Council, Shiksha Bhawan, Patna
5. The Programme Officer, Bihar Education Project Council, 5/5 Anandpuri j West Boring Canal Road, Patna
6. The Director, Mass Education Directorate, Bihar, Patna
7. The District Magistrate, Muzaffarpur, Dist. Muzaffarpur
8. The District Education Officer, Muzaffarpur, Dist. Muzaffarpur
9. The District Program Officer (Literacy), Muzaffarpur, Dist. Muzaffarpur
10. The District Programme Officer, Elementary Education and Surv Shiksha Abhiyan, Bihar Education Project, Muzaffarpur
11. The Block Education Officer, Kurhani, Dist. Muzaffarpur

... ... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Singh  
For the Respondent/s : Mr. Smt. Binita Singh (Sc28)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      22-12-2023      Heard learned Counsel for the parties concerned.

The petitioner is seeking appointment as Tola Sewak.

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.

A coordinate Bench of this Court, in the 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 co-ordinate 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.”

The order passed by the co-ordinate Bench presided over by Hon’ble Single Judge in the aforesaid writ application has been affirmed by a Division Bench of this Court, holding that the writ petition is not maintainable.



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 writ application is not maintainable.

This application is, accordingly, dismissed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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