

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7142 of 2018

Mukesh Kumar Ram Son of Shri Shiv Balak Ram, Resident of Village- Bal Bangra Adya Nagar, Post Office- Maharajganj, P.S.- Daraunda, District- Siwan. at present working as a Tola Sewak at Mahadalit Uthan Kendra, Adya Nagar Kanya Primary School, Adya Nagar Bal Bangra, Block- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer Literacy Siwan.
7. The Block Education Officer, Daraunda, District- Siwan.
8. The Block Resource Person, Daraunda, District- Siwan.
9. The Headmaster of Govt. Primary School Kanya Primary School, Bal Bangra, Block- Daraunda, District-

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mahtab Alam, Advocate.

For the Respondent/s : Ms. Namrata Singh, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-04-2023 The petitioner, who claims to be a Tola Sewak, seeks a direction for making payment of arrears of honorarium to him from the date of his joining i.e., 09.07.2014 till date as well as current honorarium.

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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