

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22517 of 2019

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Afshana Khatoon W/o Md. Farman Ansari Vill.- Bakhara, P.O.- Bakhara,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Vikash Bhawan, District- Patna
2. The Director Primary Education Sachharata Abhiyan, Vikash Bhawan, Bailey Road, Patna
3. The Regional Deputy Director of Education Education Department, Muzaffarpur
4. The District Magistrate Muzaffarpur
5. The District Education Officer Muzaffarpur
6. The District Programme Officer Primary Education and Sachharata Abhiyan, Muzaffarpur
7. The Block Development Officer Block- Saraiya, Distt.- Muzaffarpur
8. The Block Education Officer Block- Saraiya, Distt.- Muzaffarpur
9. The Headmaster Primary School, Bokhara, Maktab, Saraiya, Distt.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr. Priyadarshi Matri Sharan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-12-2023 1. Heard learned counsel for the parties concerned.
2. The petitioner is seeking salary from February, 2016 till date for the work done by her on the post of Talimi Markaj Siksha Self Sevi in Primary School, Bokhara, Maktab, Saraiya, Muzaffarpur.
3. The Shikshak Swayam Sevi is appointed under the scheme on contract basis for one year as was done in the case of



Tola Sewak and the post of Shikshak Swayam Sevi is not statutory and no recruitment rules are followed for their appointment.

4. A Co-ordinate Bench of this Court in the matter of Tola Sevak 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 where under it has been held that since 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 Co-ordinate 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 of this Court holding that writ petition is not maintainable.

6. Taking into consideration the aforesaid judgment of this Court and the fact that Shikshak Swayam Sevi does not hold civil post as well as the same is not a statutory post, I also come to the conclusion the writ application is not maintainable.

7. This application is accordingly dismissed.

(Anil Kumar Sinha, J)

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