

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7512 of 2017

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Vishal Kumar Son of Hari Bol Ram resident of village - Saraswa, P.S.
Chautham, District - Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum Collector, Khagaria.
3. The District Program Officer Sarva Siksha Abhiyan Khagaria.
4. The District Program Officer Literacy and Secondary Education Khagaria.
5. The Chief Program Coordinator, Khagaria.
6. District Public Grievance Redressal Officer, Khagaria.
7. The District Education Officer, Khagaria.
8. Block Education Officer, Chautham, Khagaria.
9. The Chairman, Tola Samiti, Middle School, Saraswa.
10. Coordinator, Sankul Sansadhan Kendra, Middle School, Saraswa, Chautham, Khagaria. null null
11. The Headmaster, Middle School, Saraswa, Chautham, Khagaria.
12. Pankaj Kumar Son of Braj Kishor Sada resident of Village Dhamhara, P.S. Chautham District - Khagaria.
13. Puja Kumari Wife of Vipin Kumar resident of village Mohanpur, P.S. Chautham, District - Khagaria.
14. Sushil Kumar Son of Indra Dev Das Resident of Village - Karua, P.S. - Choutham, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr. Madhaw Prasad Yadav, GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2024 Heard learned counsel for the parties concerned.

2. The petitioner has filed the present writ application for direction to the respondent-authorities for quashing the letter no. 42111-02479, issued under signature of the District Public Grievance Officer, Khagaria (respondent no. 6), by which the



claim of the petitioner for appointment on the post of Tola Sewak has been rejected. He further prays for cancellation of selection/appointment of respondent nos. 12, 13 and 14 from the post of Tola Sewak.

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 (Raj Choudhary v. The State of Bihar and Ors.)** 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 the writ application is not maintainable.



7. This application is, accordingly, dismissed.

8. However, the petitioner is given liberty to take
recourse to such other remedy as is available under the law.

(Anil Kumar Sinha, J)

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