

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6674 of 2019

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1. Sunil Kumar @ Sunil Kumar Manjhi Bashakhi Manjhi Resident of Village Ratnapura, P.S. Sangrampur, District Munger.
 2. Saligram Manjhi Bhuneshwar Manjhi resident of Village- Durmadha, P.S. Sarona, District- Munger.
 3. Ajay Kumar Dukhi Rikhiyasan resident of Village- Jhitti, P.S. Sangrampur, District- Munger.
 4. Devanand Manjhi Lakshmi Manjhi resident of Village- Malda, P.S. Sangrampur, District- Munger
 5. Niranjana Manjhi Prabhu Manjhi resident of Village- Malda, P.S. Sangrampur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. District Magistrate, Munger.
3. District Education, Munger.
4. District Education Superintendent cum District Programme Education Co-ordination, Bihar Project, Munger.
5. Block Education Development Officer, Sangrampur, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 15-01-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for quashing of office order, bearing Memo No. 256, dated 16.03.2010, passed by the District Education Superintendent-cum-District Programme Education Co-ordination, Bihar Project, Munger, by which the appointment of the petitioner as Tola Sewak has been cancelled.



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 the writ application is not maintainable.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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