

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19781 of 2016

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Zinat Parween D/o Md. Mannan Ansari Resident of Badhar Surangapur, P.S.-
Jahanabad, District-Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department ,
Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The District Magistrate, Jehanabad
4. The District Education Officer, Jehanabad
5. The District Programme Officer, Establishment, Jehanabad
6. The District Programme Officer, Literacy, Jehanabad
7. The Block Development Officer, Literacy, Jehanabad
8. The Sanchalan Samiti through its Chairman, Village- Badhar, Jehanabad
9. The Head Master, Utkramit Middle School, Badhar, Jehanabad
10. Tabassum Malka Wife of Md. Saud Alam Resident of Badhar Surangapur,
P.S.-Jahanabad, District-Jehanabad
11. Ambiya Khatoon Wife of Md. Safik Ansari Resident of Badhar Surangapur,
P.S.-Jahanabad, District-Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Respondent/s : Smt.Shilpa Singh-Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 13-05-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for
the following reliefs:-

(i) For issuance of a writ in the nature of ‘Certiorari’
for quashing the letter No. 961 dated 28.05.2016 issued
by the District Education Officer, Jehanabad whereby he
has reported that the ‘Sanchalan Samiti’ would change its
decision and complete the process of fresh selection
which is apparently illegal.



(ii) For further quashing the subsequent directions including letter as contained in memo No. 1339 dated 03.08.2016 and memo No. 206 dated 01.09.2016.

(iii) For further quashing letter No. 241 dated 19.10.2016 issued by the District Programme Officer, Literacy, Jehanabad whereby the Headmaster has been directed to get the 'Sanchalan Samiti' constituted and to take further steps.

(iv) To further hold that the direction of all the concerned authorities are illegal and not sustainable in the eye of law.

(v) For further directing the concerned authorities not to disturb the petitioner who is working as Talimi Markaj under Urdu Utkramit Madhya Vidyalaya, Badhar, Surangapur as admittedly the inquiries have been held behind her back without any opportunity.

(vi) For any other relief / reliefs to which the petitioners are entitled in the facts of the case."

3. The "Talimi Markaj Shiksha Swem Sevi" is appointed under the scheme on contract basis for one year as was done in the case of Tola Sevak and the post of "Talimi Markaj Shiksha Swem Sevi" 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 Sevak in C.W.J.C. No. 18107 of 2016 (Raj Choudhary vs. 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 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 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 “Talimi Markaj Siksha Swem Sevi” 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.



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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