

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17497 of 2015

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1. Jitendra Baitha, Son of Sri Kishun Baitha
 2. Upendra Baitha, Son of Sri Kishun Baitha,
Both Resident of Village- Laxmipur P.S.-Chairaiya, District-East Champaran.
 3. Lalita Devi, Wife of Sri Ramdarash Bitha, Resident of village- Mohadipur P.S.- Chiraiya, District- East Champaran.
 4. Sonu Kumar Rajak, Son of Sri Sukhdeo Baitha, Resident of Village- Lahan Dhaka P.S.- Dhaka District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Jan Shiksha, Education Department Government of Bihar, Patna.
3. The District Magistrate, East Champaran of Motihari
4. The District Programme Officer (Leterate) East Champaran at Motihari.
5. The Block Education Officer cum Coordinator Block Resources Centre Sarva Siksha Abhiyan, Block- Dhaka, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhanendra Choubey, Advocate Mr. Milind Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Ajay Kr. Rastogi, AAG-10

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-02-2024 1. Heard learned counsel for the petitioners and
learned counsel for the respondents.

2. The petitioners have filed the instant application for
the following relief(s) :-

*“1. (i) For directing / commanding the respondent
authorities to act as per direction given by the
director, Jan Shiksha, Bihar, Patna communicated to
the District Programme Officer (Saksharta), East*



Champaran contained in Memo no. 1290 Patna dated 20.7.2015 whereby and where under the respondent no. 04 has been directed to act in accordance with law upon the application of petitioner for their rejoining against the post of Tola Sewak.

(ii) Also for commanding the respondents to rejoin the petitioners against the post of Tola Sewak under Block Chiraiya, East Champaran.

(iii) And for any other appropriate relief/ reliefs to which petitioner is found entitled either in eye of law or in the facts and circumstances of the case.”

3. At the outset, learned counsel appearing for the respondents submits that it has been held by the Division Bench of this Court in its judgment dated 2.2.2017 passed in LPA no.2185 of 2015 that the selection or engagement or hiring of the Tola Sewak is not any permanent appointment under the State which is required to be considered under Article 226 of the Constitution of India.

4. The judgment dated 2.2.2017 passed in LPA no.2185 of 2015 (Ram Lakhan Ram vs. The State of Bihar & Ors.) is extracted herein below :-

“Condonation of 18 days is allowed.

I. A. No. 9488 of 2015 is also allowed.

However, so far as the merits of the matter is concerned, the appeal is dismissed, because the selection or engagement or hiring of the



Tola Sewak is not any permanent appointment under the State, which is required to be considered under Article 226 of the Constitution of India. The order impugned does not suffer from any illegality.
Appeal is dismissed”

5. In view of the order of the learned Division Bench as reproduced herein above, in the opinion of the Court, there is no merit in this application and the same is dismissed.

(Partha Sarthy, J)

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