

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6832 of 2024

1. Rajesh Kumar Ram Son of Ramadhar Ram, Resident of village- Siswa Chaube Tola, P.O.- Sisawa Bazar, P.S.- Paharpur, District- East Champaran.
2. Surendra Ram Son of Rekha Ram, Resident of village- Majhariya, P.O.- Chailhan, P.S.- Turkauliya, District- East Champaran.
3. Krishn Kumar Ram Son of Tapsi Ram, Resident of Village- Bankat, P.S.- Pahadpur, District- East Champaran at Motihari.
4. Ram Pravesh Kumar Baitha Son of Babulal Baitha, Resident of village- Patkhwaliya, P.S.- Chakia, District- East Champaran.
5. Navin Kumar Son of Harishankar Ram, Resident of village - Deluahan, P.S.- Rajepur, District- East Chamaparan at Motihari.
6. Rajesh Ram Son of Ganesh Ram, Resident of village- Rajpur, Kaulmarapa, P.S.- Bishnupur Basant, District- East Champaran at Motihari.
7. Ramagya Ram Son of Bhikhari Ram REsident of Ward No. 13, English Navadila, P.S.- Paharpur, DIstrict- East Champaran.
8. Ram Vinay Kumar Ram Son of Basudev Ram, Resident of Village- Deodesra ramgarhwa, P.S.- Sugauli, District- East Champaran.
9. Ajay Kumar Ram Son of Saryug Ram, Resident of Village- Vijavani, P.S.- Jitna, District- East Champaran.
10. Shashibhushan Ram Son of Rajvanshi Ram, Resident of Village- Nonauwra, P.S.- Ghorasahan, District - East Champaran.
11. Bishundev Ram Son of Saryug Ram, Resident of Village- Vijavani, P.S.- Jitna, District- East Champaran at Motihari.
12. Anand Kumar Ram Son of Kishore Ram, Resident of village- Godhasahan Bhagwanpur, Uttari Panchayat, P.S.- Godhasahan, District- East Champaran at Motihari.
13. Sunayan Devi Wife of Prabhu Kumar, Resident of Village- Gariba, P.S.- Kalyanpur, District- East Champaran at Motihari.
14. Ram Pujan Ram Son of Harishankar Bhagat, Resident of village- Laxmanava, P.O.- Sonha, P.S- Palanawa, Raxaul, District- East Champaran.
15. Sanjay Ram Son of Mahindra Ram Resident of Village- Jogaulia Tola, P.S.- Madhuban, District- East Champaran at Motihari.
16. Rajesh Ram Son of Late Harichandra Ram Resident of village and P.S.- Darpa, District- east Champaran at Motihari.
17. Subodh Kumar Son of Nandu Ram, Resident of village- Balibelwa, P.S.- Kalyanpur, District- East Champaran at Motihari.
18. Ganesh Baitha Son of Vindeshwari Ram, Resident of village- Saraiya Baitha Tola, P.S.- Paharpur, District- East Champaran at Motihari.
19. Virendra Ram Son of VIndeshwari Ram, Resident of village- Saraiya Baitha Tola, P.S.- Paharpur, District- East Champaran at Motihari.
20. Pinki Kumari Wife of Sukhlal Ram, Resident of village- Kushahan, P.S.- Rajepur, District- East Champaran at Motihari.
21. Ranjit Kumar Ram Son of Gudur Ram, Resident of village- Phulwariya,



Ward No. 6, P.S.- Sugauli, District- East Champaran at Motihari.

22. Alka Kumari Daughter of Kashi Ram, Resident of village and P.O.- Kushahar, P.S.- Turkauliya, District- East Champran at Motihari.
23. Virendra Ram Son of Late Surat Ram, Resident of village- Virata Tola, P.S.- Chiraiya, District- East Champaran at Motihari.
24. Mahendra Ram Son of Tapsi Ram, Resident of village- Bankat, P.S.- Paharpur, District- East Champaran at Motihari.
25. Kavita Kumari Wife of Ramashay baitha, Resident of village- Ajagari, Ward No. 7, P.S.- Banjaria, District- East Champaran at Motihari.
26. Munilal Ram Son of Mosafir Ram, Resident of village- Bairiya, P.S.- Pipra, District- East Champaran at Motihari.
27. Rekha Kumari Wife of Jaymangal Choudhary, Resident of village- Maripur Milki, P.S.- Madhuban, District- East Champaran at Motihari.
28. Ravikant Ram Son of Bilash Ram, Resident of Village- Maripur Mal, P.O.- Khodopur, P.S.- Madhuban, District- East Champaran at Motihari.
29. Rajesh Ram Son of Ramchandra Ram, Resident of village- Bariya Banjariya, P.S.- Pipra, Damodarpur, District- East Champaran at Motihari.
30. Jagdish Narain Ram Son of Parikshan Ram, Resident of village- Jitendra, P.S.- Madhuban, District- East Champaran at Motihari.
31. Sanjay Ram Son of Baliram Ram, Resident of village and P.O.- Ramgarwa, P.S.- Ramgarwa, District- East Champaran at Motihari.
32. Rashmi Priya Wife of Rambachan Ram, Resident of village - Punas, Tetariya, P.S.- Madhuban, District- East Champaran at Motihari.
33. Rambha Devi Daughter of Jaimangal Ram, Resident of Village - Sirauli, P.S.- Madhuban, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Education Department, Old Secretariat, Bailey Road, Patna- 800015.
2. The Joint Secretary-cum-Director, Mass Education, Patna.
3. The Director, Mass Education, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The District Education Officer, East Champaran at Motihari.
6. The District Programme Officer (Literacy), East Champaran, Patna.
7. The Block Education Officer, Banjaria, District- East Champaran at Motihari.
8. The Block Education Officer, Bankatwa, District- East Champaran at Motihari.
9. The Block Education Officer, Chakia, District- East Champaran at Motihari.
10. The Block Education Officer, Chhaurandano, District- East Champaran at Patna.
11. The Block Education Officer, Chiraiya, District- East Champaran at



Motihari.

12. The Block Education Officer, Kalyanpur, District- East Champaran at Motihari.
13. The Block Education Officer, Madhuban, District- East Champaran at Motihari.
14. The Block Education Officer, Mehshi, District- East Champaran at Motihari.
15. The Block Education Officer, Paharpur, District- East Champaran at Motihari.
16. The Block Education Officer, Fhanhara, District- East Champaran at Motihari.
17. The Block Education Officer, Ramgarhwa, District- East Champaran at Motihari.
18. The Block Education Officer, Raxaul, District- East Champaran at Motihari.
19. The Block Education Officer, Sugauli, District- East Champaran at Motihari.
20. The Block Education Officer, Tetaria, District- East Champaran at Motihari.
21. The Block Education Officer, Turkaulia, District- East Champaran at Motihari.

... ... Respondent/s

Appearance :

For the Petitioners	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate Ms. Shrishti Singh, Advocate
For the State	:	Mr. Mukul Prasad, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 20-09-2024

Heard learned counsel for the parties.

2. The petitioners, 33 in numbers, have filed this writ petition praying for a direction to grant weightage / preference to the petitioners for the post of Tola Sevak / Shiksha Sevak against advertisement dated 12.03.2024 issued under the signature of District Education Officer, East Champaran, Motihari under the “Akshar Anchal Yojna” for Dalit and Mahadalit within different Tola of district East Champaran, Motihari.



3. The respondent No. 5 / The District Education Officer, East Champaran, Motihari has issued an advertisement dated 12.03.2024 inviting applications for filling up 46 posts of Tola Sevak. The last date for submission of applications as provided in the advertisement was 31.03.2024. The petitioners had not submitted the applications in terms of the advertisement.

4. While the petitioners did not apply for Tola Sevak under advertisement dated 12.03.2024, the petitioners have filed this writ petition for granting them weightage / preference in the selections that will be made for Tola Sevak under advertisement dated 12.03.2024, by relying on letter dated 21.09.2017, issued by the Principal Secretary, Education Department vide Memo No. 13/V. 03-58/2015-2437/Patna (Annexure – 5 to the writ petition), which letter is stated to be issued pursuant to order of this Court passed in C.W.J.C. No. 10534 of 2016 filed by the petitioners, whereby it has been provided that in future, whenever there will be selection for the post of Tola Sevak or Talimi Markaj Volunteer and if the selection is held in a designated centre in the Tola, where the petitioners reside, they will be given priority in the selection.

5. According to the petitioners, C.W.J.C. No. 10534 of 2016 was filed by the petitioners when their services as Tola Sevak was terminated by the respondent authorities and pursuant to the



order dated 17.05.2017 passed in C.W.J.C. No. 10534 of 2016, the Principal Secretary, Education Department by the aforesaid letter dated 21.09.2017 had provided that in the future selection that may be conducted for the post of Tola Sevak, the petitioners will be given priority in the selection.

6. Though, no such preferential treatment to any of the categories of person(s) can be given by the respondent authorities in a recruitment that is likely to take place on a future date, since the letter dated 21.09.2017 is stated to have been issued by the Principal Secretary, Education Department, pursuant to the order passed in C.W.J.C. No. 10534 of 2016, the order passed by this Court in the aforesaid writ petition has been perused by this Court, which is dated 17.05.2017.

7. In the aforesaid writ petition, the petitioners had challenged the cancellation of their appointment as Tola Sevak. While disallowing the challenge made by the petitioners against the cancellation of their appointment from the post of Tola Sevak, this Court in the aforesaid writ petition by an order dated 17.05.2017 had directed the Principal Secretary, Education Department to consider the claim of the petitioners and issue appropriate direction to the authority concerned to take steps for filling up 49 admitted vacant posts of Tola Sevak in accordance



with law, bearing in mind the fact that the petitioners have gained experience over the period, which may be a relevant factor in the matter of filling up the post of Tola Sevak.

8. Thus, this Court in C.W.J.C. No. 10534 of 2016 while directing the Principal Secretary, Education Department to take steps for filling up the admitted vacant post of Tola Sevak had not directed the respondents to give a preferential treatment to the petitioners in the recruitment that may take place in future. What the Court had indicated was only to the extent that the experience, the petitioners have gained in serving as a Tola Sevak earlier, may be borne in mind.

9. There is a set of guidelines for recruitment of Tola Sevak known as “Guide Related to Selection and Service Conditions to Tola Sevak and Shiksha Volunteer, 2018” issued by the Director of Public Education, Patna (Annexure P-9 series to the writ petition). The guideline for selection of Tola Sevak and Shiksha Volunteer enclosed by the petitioners in the writ petition as Annexure P-9 series has not been disputed by learned counsel appearing for the State.

10. Under the circumstances, having found that there is a set of guidelines for selection of Tola Sevak and there was no such direction in the order dated 17.05.2017 passed by this Court in



C.W.J.C. No. 10534 of 2016 to give a preferential treatment to the petitioners in the future recruitment of Tola Sevak as has been mentioned by the Principal Secretary, Education Department in his letter dated 21.09.2017 (Annexure-5 to the writ petition) and also having regard to the fact that the petitioners are not applicants, pursuant to advertisement dated 12.03.2024 inviting applications for the post of Tola Sevak / Shiksha Sevak issued by the District Education Officer, East Champaran, Motihari, no relief sought for by the petitioners in the instant writ petition to give them preferential treatment / weightage for the post of Tola Sevak / Shiksha Sevak against the advertisement dated 12.03.2024 issued by the District Education Officer, East Champaran, Motihari can be given by this Court in exercise of the power under Article 226 of the Constitution of India.

11. The writ petition, accordingly, is found to be devoid of merit and the same stands dismissed.

(Nani Tagia, J)

Siddharth/
Narendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2024
Transmission Date	NA

