

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11424 of 2019

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Md. Neyaz Ahmed Son of Md. Mansoor Ahmed Ansari Resident of Village
Malhatol, Post Phulhatta, Police Station Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The Director Mass Education, Education department, Bihar, Patna.
4. The District Magistrate Sitamarhi.
5. The District Education Officer Sitamarhi.
6. The District Programme Officer Literacy, Sitamarhi.
7. The Block Development Officer Parihar Block, District- Sitamarhi.
8. The Block Education Officer Parihar Block, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 22-01-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for a direction to the respondent authorities to accept the joining of the petitioner in pursuance to his appointment as Shiksha Swayam Sewak at Talimi Markaj Centre, Malhatol under Lakshmipurr Panchayat, Block Parihar, District Sitamarhi.
3. The Shikshak Swayam Sevi is appointed under the scheme on contract basis for one year as was done in the case of Tola Sewak and the post of Shikshak Swayam Sevi is not statutory and no recruitment rules are followed for their



appointment.

4. A Co-ordinate Bench of this Court in the matter of Tola Sevak 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 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 where under it has been held that since 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 Shikshak Swayam Sevi 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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