

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4395 of 2016

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Bibi Amna Khatoon Wife of Laik Alam, Resident of Village - Artiya Simaria,
Panchayat Ward, Simariya, P.S. - Jokihat, Block - District - Araria, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Programme Officer Establishment cum Member, District Public Education Committee, Arar
3. The Secretary, Block Literacy Committee, Jokihat Block, Araria.
4. The Mukhiya, Gram Panchayat Raj, Simaria, District - Araria.
5. Bibi Naheda Begum Daughter of Md. Hasan, Resident of Simariya, Village - Simariya, P.O. and P.S. - Jokihat, District - Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mr. Raj Nandan Prasad- Sc9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 01-04-2024 1. Heard learned Counsel for the parties concerned.
2. The petitioner is seeking appointment as Shikshak Swayam Sevi in Talimi Markaz Middle School, Simaria, Araria. 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.
3. A co-ordinate Bench of this Court, in the 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 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 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.”

4. The order passed by the co-ordinate Bench presided over by Hon’ble Single Judge in the aforesaid writ application



has been affirmed by a Division Bench of this Court, holding that the writ petition is not maintainable.

5. 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 that the writ application is not maintainable.
6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

HarshPandey/-

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