

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4321 of 2017

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1. Md. Jamal Uddin and Ors S/o Md. Lazim, R/o village P.O. Mahashi Mehi Nagar Nurani Masjid Mohalla , Nagar Parishad Ward No. 5, P.S. District - Madhepura
 2. Md. Zakir Hussain, S/o Md. Ali Hasan, R/o Ward No. 25, At P.O. Bhirchi, P.S. District - Nagar Parishad Madhepura
 3. Md. Ziaul Haque, S/o Md. Hanif Uddin, R/o village - Reshna, P.O. Arar Ghat, P.S. Gwalpara, District - Madhepura
 4. Md. Ikramul An, S/o Md. Amrul, R/o village - Reshna, P.O. Arar Ghat, P.S. Gwalpara, District - Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Bihar Education Project Council Beltron Bhawan, Shashtri Nagar, Bihar, Patna
3. The Project Officer - Cum - Programme Officer, Bihar Education Project Council, Beltron Bhawan, Sha
4. The Director, Sarva Sikash Abhiyan SSA , Govt. of Bihar, Patna
5. District Superintendent of Education Cum - District Programme, Coordinator SSA Madhepura
6. The District Education Officer, Madhepura
7. The District Programme Coordinator, Bihar Education Project, Madhepura
8. The Additional District Programme Coordinator, Bihar Education Project, Madhepura
9. The District Magistrate, Madhepura
10. The District Account officer, Madhepura
11. The Block Development Officer, Madhepura
12. The Block Development Officer, Gwalpara, Madhepura
13. The Block Education officer, Madhepura
14. The Block Education Officer, Gwalpara, Madhepura
15. The Block Education Extension Officer, Madhepura
16. The Block Education Extension Officer, Gwalpara, Madhepura

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5284 of 2016

1. Md. Rafique Alam and Ors Son of Md. Mustquin, Resident of village- Bardaha, P.S.- Gorh Bardaha, Dist.- Madhepura



2. Md. Shamsheer Alam, Son of Md. Safik Alam, resident of village P.O.- Mathahi, P.S. Dist.- Madhepura
3. Md. Subhan Alam, son of Md. Shamsul, Resident of village- Arraha P.O. Manikpur, P.S. District- Madhepura
4. Lal Mohammad son of Md. Jamal, Resident of village- Arraha P.O. Manikpur, P.S. District- Madhepura
5. Najrana Khatoon D/o Md. Bashir, resident of village P.O.- Bhelba, P.S. District- Madhepura
6. Md. Margoob Alam, S/o Md. Idris, resident of village P.S.- Madheli, P.S.- Alamnagar, District- Madhepura
7. Md. Sajidurrahman, S/o Gulam Samdani, resident of village- Janfari, P.S.- Gwalpara, Dist.- Madhepura
8. Nujhat Bano D/o Manjoor Sah, resident of village P.O.- Jhanjhari, P.S.- Gwalpara, Dist.- Madhepura
9. Nunulal Mian S/o Late Besan Mian, resident of village- Sinpur, P.S.- Block Gambaria, Dist.- Madhepura
10. Md. Islam son of Md. Sikandar Ali, resident of village- Arrah, P.S.- Madhepura, Dist.- Madhepura
11. Md. Amjad S/o Md. Manjoor Alam, resident of village P.O.- Pithari, P.S. Madhepura, Dist- Madhepura
12. Khairun Nisha D/o Md. Washir, resident of village- Bhelba, P.S.- Madhepura, Dist- Madhepura
13. Md. Nasim S/o Md. Ibrahim, resident of village- Bardaha, P.S. Ghailarh, Dist- Madhepura
14. Md. Abdullah S/o Md. Kamruddin, resident of village- Bardah, P.O. Gotha Bardaha, P.S.- Ghailarh, Dist.- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director Bihar Education Project Council Bettarn Bhawan, Shashtri Nagar, Behar, Patna
3. The Project Officer-cum-Programme Officer, Bihar Education Project Council Beltron Bhawan, Shashtri
4. The Director, Sarva Siksha Abhiyan SSA, Govt. of Bihar, Patna
5. District Superintendent of Education cum-District Programme Coordinator SSA Madhepura
6. The District Education Officer, Madhepura
7. The District Programme Coordinator, Bihar Education Project, Madhepura
8. The Additional District Programme Coordinator, Bihar Education Project, Madhepura
9. The District Magistrate, Madhepura
10. The District Accounts Officer, Madhepura



11. The Block Development Officer, Madhepura
12. The Block Development Officer, Gwalpara
13. The Block Development Officer, Ghailar Block
14. The Block Development Officer, Gamharia, Madhepura
15. The Block Development Officer, Alamnagar, Madhepura
16. The Block Education Officer, Madhepura
17. The Block Education Officer, Gwalpara, Madhepura
18. The Block Education Officer, Ghailari Block, Madhepura
19. The Block Education Officer, Gamharia, Madhepura
20. The Block Education Officer, Alamnagar, Madhepura
21. The Block Education Extension Officer, Madhepura
22. The Block Education Extension Officer, Gwalpara, Madhepura
23. The Block Education Extension Officer, Ghailar Block, Madhepura
24. The Block Education Extension Officer, Gamharia, Madhepura
25. The Block Education Extension Officer, Alamnagar, Madhepura

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4321 of 2017)

For the Petitioner/s : Mr. Siyaram Pandey

For the Respondent/s : Mr. Subhash Chandra Mishra- Sc16

(In Civil Writ Jurisdiction Case No. 5284 of 2016)

For the Petitioner/s : Mr. Siyaram Pandey

For the Respondent/s : Mr. Kumar Alok- Sc8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 27-06-2024 1. Heard learned Counsel for the parties concerned.
2. The petitioners have filed the present writ application for issuance of a writ in the nature of mandamus to allow the petitioners to work and discharge their duties as a Siksha Swayam Sevak in the concerned schools/centres i.e., in the concerned Makhtav/Madarsa with the remuneration fixed by the respondents at the time of their initial engagement in the year 2009. The petitioners were



removed from the post of Talimi Makaz.

3. The Talimi Markaz 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 Talimi Markaz 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 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.”

5. 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.
6. Taking into consideration the aforesaid judgment of this Court and the fact that Talimi Markaz 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.
7. This application is, accordingly, dismissed.
8. However, liberty is granted to the petitioner to take recourse to such other remedies as are available under the law.

(Anil Kumar Sinha, J)

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