

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8736 of 2024

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Tabassum Perween Wife of Md. Firoj Alam, Resident of village and P.O.-
Shahar Rampur Ward No. 13, P.S. Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Programme Officer (Literacy), Patna, District- Patna.
6. The Block Education Officer, Naubatpur, District Patna.
7. The Chairman School Education Committee, Middle School Shahar Rampur, Block- Naubatpur, District- Patna.
8. Headmaster, Middle School Shahar Rampur, Naubatpur, District Patna.
9. Naziya Sultan, Daughter of Jafaruddin, resident of village- Ward No. 13, Shahar Rampur, P.S.- Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sri Krishna Ranjan, Advocate
For the Respondent/s : Mr. Government Pleader 17

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the parties.

2. The present writ application has been filed for the
following reliefs:-

"1. That this application is being filed for
praying for the following reliefs :-

(i) For issuance of an appropriate writ in
the nature of mandamus for commanding and
directing the respondent authorities concerned to



decide the representation filed before the District Magistrate, Patna on 23.03.2024 with regard to appointment of Talimi Markaz.

(ii) For quashing the appointment of Respondent No. 9 and appoint the petitioner who is better candidate and higher merit position in the merit list and pay all consequential benefit attached to the post.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/ directions for which the writ petitioner will be found entitled in the facts and circumstances of the case."

3. At the outset, learned counsel appearing on behalf of the State raised preliminary objection to the maintainability of this writ application and submits that Talimi Markaz is not a statutory post in nature and no recruitment rules are followed for their appointment. It arises under the scheme and the appointment is contractual for one year.

4. A Co-ordinate Bench of this Court, in the matter of Tola Sewak arising out of C.W.J.C. 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 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 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.

(Prabhat Kumar Singh, J)

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