

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9797 of 2016

Gazala Anjum Wife of Md. Irfan Ansari Resident of Village- Hetampur, PO Kapasia, PS Aurangabad M, District Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Directorate Of Mass Education and Literacy, Bihar, Patna.
3. The District Magistrate, Aurangabad, Bihar.
4. The District Programme Officer, Aurangabad, Bihar.
5. The District Education Officer, Aurangabad, Bihar.
6. The Block Education Officer, Aurangabad Block District Aurangabad, Bihar.
7. The Principal Urdu Middle School Hetampur, PO.Kapasia, Block Aurangabad, Police Station- Aurangaba
8. Qaisar Khatoon Wife of Md. Janus Ahmad Resident of Village- Hetampur, PO Kapasia, PS Aurangabad M, District Aurangabad.
9. Mobina Khatoon Wife of Md. Isu Resident of Village- Hetampur, PO Kapasia, PS Aurangabad M, District Aurangabad.
10. Md. Taufeeque Son of Md. Hakim Resident of Village- Hetampur, PO Kapasia, PS Aurangabad M, District Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.R.P.N. Tiwari, Advocate

For the Respondent/s : Mr.AAG 8- Gautam Bose

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 23-04-2024 1. Heard learned Counsel for the parties concerned.

 2. The petitioner has filed this application for
cancelling the appointment of respondent no. 10 on the post
of Talim Markaz Shikshak Swayam Sevi and selecting the
petitioner on the aforesaid post.



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 ***C.W.J.C. No. 18107 of 2016 (Raj Choudhary v. The State of Bihar and others)***, 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.”

5. The aforesaid order passed by a co-ordinate Bench of this Court presided over by Hon'ble Single Judge in C.W.J.C. no. 12390 of 2015 has been affirmed by a Division Bench of this Court holding that the said writ petition is not maintainable.

6. Taking into consideration the aforesaid judgment of a co-ordinate Bench 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 present writ application is not maintainable and accordingly, the same is dismissed.

(Anil Kumar Sinha, J)

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