

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11807 of 2016

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Rizwana Praween Wife of Md. Jahangir Alam Resident of Village - Jagirha
Bijwani, P.O. - Ghorasahan, P.S. - Jitna, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer, East Champaran at Motihari.
5. The District Programme Officer Program and Audit, East Champaran at Motihari.
6. The District Programme Officer Literacy, East Champaran at Motihari.
7. The Block Development Officer, Bankartwa, East Champaran.
8. The Block Education Officer, Bankatwa Block, East Champaran.
9. The Headmaster, Up-graded Middle School, Jagirha Girl.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Sc5- Satyendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-05-2024 Heard learned Counsel for the parties concerned.

2. The petitioner has filed the present writ application for quashing the memo no. 209, dated 22.04.2016, issued by the District Programme Officer, Litacy, East Champaran, by which the appointment of the petitioner as Talimi Markaj, Shikshak Swam Sevi, has ben cancelled.

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. 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.

5. 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.”

6. 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.

7. 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.

8. This writ application is, accordingly, dismissed.

9. However, the petitioner is given liberty to take recourse to such other remedy as is available under the law.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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