

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16342 of 2016

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Gopal Prasad Son of Sri Krishna Prasad, resident of Village- Tejpurwa, P.S.-
Marauraha, District- Saran. Petitioner/s

Versus

1. The State Of Bihar
 2. The Director, Primary Education, Education Department, Govt. of Bihar,
Patna.
 3. The Commissioner, Saran Division, Saran at Chapra.
 4. The District Superintendent of Education-Cum-District Programme
Officer/Coordinator, Sarva Shiksha
 5. The Block Education Officer, Maraaurha, District- Saran.
 6. The Principal Utkramit Madhya Vidyalaya, Tejpurwa, Saran.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Respondent/s : Mr.Kameshwar Kumar- Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 07-05-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for
direction to the respondent-authorities to pay the
petitioner his salary/remuneration for the period of
March, 2009 to June, 2010, who has worked as Shiksha
Swayam Sewak at Utkramit Madhya Vidyalaya,
Rajpurwa (Hindi) Maraauraha, Saran.
3. The Shiksha Swayam Sewak is appointed under the
scheme on contract basis for imparting elementary
education under Sarv Shiksha Abhiyan. The post of
Shiksha Swayam Sewak is not statutory and no



recruitment rules are followed for their appointment.

4. A Co-ordinate Bench of this Court, on a similar footing, in the matter of Tola Sewak, in **CWJC No. 18107 of 2016 (Raj Choudhary v. The State of Bihar and Ors.)** has 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
5. Taking into consideration the aforesaid judgment of this Court and the fact that Shiksha Swayam Sewak 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.
7. However, the petitioner is given liberty to take recourse to such other remedy as is available under the law.

(Anil Kumar Sinha, J)

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