

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17184 of 2015

Binod Kumar Son of Ram Binay Ram resident of village - Barda, Post office - Saidabad, Gram Panchayat - Haibaspur Gona, Police Station and Block - Bikram, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director Jan Siksha Bihar, Department of Education, Government of Bihar, Patna
3. The District Education Officer, Patna
4. The District Programme Officer, R.M.S.A. Training Literacy Patna
5. The Block Education officer, Bikram, District - Patna
6. The Chairman/Secretary, Tola Samiti Village - Barda, Under Gram Panchayat - Haibaspur Gona, Police
7. The Headmaster Primary School Barda, Block - Bikram, District - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to GP23

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 12-02-2024 1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. The petitioner has filed the instant application for the following reliefs :-

“1. That this is an application for issuance of an appropriate writ order or direction for quashing the order issued vide Memo No.678 dated 12.6.2015 under the signature of District Program Officer Literacy by which in a communication sent to the Director Jan Siksha Bihar without clarifying the records as on the ground Akshar Anchal Scheme is being started from



February 2013 and petitioner's name is not under the said scheme as Tola Sewak so he is not working in the said scheme and petitioner's application was rejected for making the payment of Honorarium whereas petitioner was appointed as Tola Sewak of Mahadalit Tola Warda and joined on 7.1.2010 and he is working there this fact has not been verified by the District Program Officer and issued the said letter and be further pleased to direct the authorities on verifying the records of engagement of the petitioner since 2010 as Tola Sewak to make the payment after 2011 till this date since no termination letter has been issued to the petition in this date.”

3. Learned counsel for the petitioner submits that in the list of Swayam Sewak of Block- Bikram enclosed with letter dated 11.2.2012 (Annexure- 4) of the Block Education Officer it would be evident that the name of the petitioner figures at serial no. 22 thereof. Thus the petitioner was a Swayam Sewak on 2012 and consequently the order impugned as contained in letter dated 12.6.2015 is clearly an error of record.

4. After some argument learned counsel for the petitioner seeks permission to withdraw this application to file a fresh representation before the respondent concern bringing on record enclosing with his representation the relevant documents in his support.

5. In response learned counsel for the respondents-state



refers to the Division Bench judgment of this Court dated 2.2.2017 passed in L.P.A no. 2185 of 2015 (Ram Lakhan Ram vs. State of Bihar & Others) to submit that the Tola Sewak not being a permanent appointment under the State, cases with respect to the same are not required to be considered under Article 226 of the Constitution of India.

6. Having heard learned counsel for the parties and without entering into the merits of the case of the respective parties, the application is permitted to be withdrawn enabling the petitioner to file an appropriate representation before the authorities concerned which shall be decided on its own merit.

(Partha Sarthy, J)

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