

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14002 of 2024

Md. Yahiya Son of Md. Gulam Mustafa Resident of Village- Nandnama, P.S.-
Ramgarh Chouk, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Distt. Magistrate, Lakhisarai.
3. The Distt. Programme Officer, Lakhisarai.
4. The Public Authority cum Distt. Education Officer, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr. Gyan Pakash Ojha, GA 7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2024 Heard learned Counsel for the parties concerned.

2. The petitioner has filed the present writ application
for his appointment on the post of Talimi Markaj.

3. The Talimi Markaz, Shikshak Swayam Sevi, is
appointed under the scheme on contract basis, 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.

7. This writ application is, accordingly, dismissed.

8. 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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