

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15840 of 2023

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1. Praveen Kumar son of Sri Ganesh Ram, Resident of Village Dilawarpur, Block and P.S.-Kalyanpur, District-East Champaran.
 2. Bhulan Ram, son of Sri Lakhichandra Ram, Resident of Village and Post Sundrapur, Police Station-Kesariya, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Joint Secretary-cum-Director Mass Education, Bihar, Patna.
5. The District Magistrate, East Champaran at Motihari.
6. The District Education Officer, Motihari, East Champaran.
7. The District Programme Officer, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (SC-13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 17-12-2024 Heard learned counsel for the petitioners and learned counsel for the respondent / State.

2. This writ petition has been filed for directing the respondents to appoint the petitioners by way of adjustment on the vacant posts of Tala Sewak/Talimi Markaj in the district of East Champaran, in terms of State Government's memo no. 2437 dated 21.09.2017 and letter no. 1284 dated 24.07.2023.

3. The Tola Sevak/Talimi Markaj is not a statutory post in nature and no recruitment rules are followed for their



appointment. It arises under the scheme and the appointment is contractual for one year.

4. A coordinate Bench of this Court, in the matter of Tola Sewak, in CWJC No. 18107 of 2016, 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 where under 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."

5. Order passed by the coordinate Bench in the aforesaid writ application has been affirmed by a Division Bench of this Court, holding that the writ petition is not maintainable.

6. Taking into consideration the aforesaid judgment of



this Court and the fact that Tola Sewak/Talimi Markaj 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.

7. This writ application is, accordingly, dismissed.

8. However, liberty is granted to the petitioners to take recourse to such other remedies as are available under the law.

(Prabhat Kumar Singh, J)

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