

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15794 of 2023**

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Manoj Kumar Ram Son of Gonaur Ram Resident of Rampur Bhadson, P.S.-  
Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal secretary, Education department, Bihar, Patna.
2. The Director, Primary education, Bihar, Patna.
3. The District Magistrate, District - Muzaffarpur.
4. The District education officer, Muzaffarpur.
5. The District Program officer, (madhyamik Shiksha and literacy), education department, Muzaffarpur.
6. The District Program officer, Sarv Shiksha Abhiyan (S.S.A.), education department, Muzaffarpur.
7. The Block development officer, Block- Sakra, District- Muzaffarpur.
8. The Block education officer, Block- Sakra, district- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Yugal Kishore, Advocate  
For the Respondent/s : Mr.Subhash Chandra Mishra ( Sc 16 )

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

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

2. This writ petition has been filed for directing the respondents to make payment of arrears of salary of the petitioner from 02.02.2016 till date with admissible rate of interest i.e. 12% per annum.

3. The Tola Sevak 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 Sevak 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 petitioner to take recourse to such other remedies as are available under the law.

**(Prabhat Kumar Singh, J)**

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