

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17932 of 2024

Afsari Khatoon Wife of Phool Mohammad Ray, Resident of Village-Sihorwa (Khekhariya), Ward No. 08, Post Office-Siswaniya, Block-Chhauradano, Police Station-Darpa, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary cum Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Mass Education, Government of Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The District Education Officer, East Champaran at Motihari.
6. The District Programme Officer, Secondary Education and Saksharta, East Champaran at Motihari.
7. The Block Education Officer, Chhauradano, District-East Champaran at Motihari.
8. The Headmaster, Government Primary School, Sihorwa, Anchal-Chhauradano, District-East Champaran at Motihari.
9. The Chairman of Siksha Sewak (Talimi Markaz) represented through Ward Member, Ward No. 8, Anchal-Chhauradano, District-East Champaran at Motihari.
10. Faiyaz Alam, son of Gafoor Alam, Resident of Village-Semrahiya, Ward No. 6, Post Office-Semrahiya, Panchayat Raj-Pakaria, Anchal-Chhauradano, District-East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Standing Counsel (9)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024 Heard learned counsel for the parties.

2. The petitioner has filed the present writ application for issuance of selection letter to the petitioner for the post of Siksha Sevak (Talimi markaz).

3. The Shiksha Sevak (Talimi Markaz) 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 Co-ordinate 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 co-ordinate 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 aforesaid judgment of this Court and the fact that Talimi Markaz 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 application is, accordingly, disposed of.

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)

shashi/-

U			
---	--	--	--

