

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18729 of 2024

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Vicky Kumar S/o Ramesh Pasi Resident of Village- Maharajganj, P.O. and
P.S.- Tilauthu, District- Rohtas. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar Patna.
2. The Additional Chief Secretary, Education, Govt. of Bihar, Patna.
3. The Director, Jan Shiksha, Government of Bihar, Patna.
4. The District Magistrate, Rohtas.
5. The District Education Officer, Rohtas at Sararam.
6. The District Programme Officer (Estab.), Rohtas at Sasaram.
7. The District Programme Officer (Literacy), Rohtas.
8. The Block Education Officer, Tilauthu, (Rohtas).
9. The Convenor cum Headmaster, Middle School, Maharajganj, Block-Tilauthu, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal, Advocate
For the Respondent/s	:	Mr.M.Haque, GP 12
		Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 Heard learned counsel for the parties.

2. The petitioner has filed the present writ application
for following reliefs:-

*That this writ petition is being filed for a
direction upon the respondents to dispose of the
representation of the petitioner and pass necessary
order directing the respondent no.9 to complete the
process of selection of the Shiksha Sewak in
Maharajganj Panchayat of Tilauthu block within a
stipulated period and grant selection letter to the
petitioner for the said post in view of the fact that the
petitioner belongs to Majority cast Pasi and his name
appears at serial no.3 in the merit list but he is first
candidate for the Majority class. And/or be pleased to
pass such other order/orders to which the petitioner is*



entitled.

3. The Shiksha 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 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 Siksha 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 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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