

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.600 of 2024

Vijay Kumar Son of Surendra Ram Resident of Village and P.O.-Amrakh,
P.S.-Maniyari, District-Sitamarhi

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Human Resources Department, Ministry of Human Resources Department, Govt. of Bihar, Patna.
2. The State of Bihar through Chief Secretary, New Secretariat, Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Education, Education Department, Govt. of Bihar, Patna.
5. The State Programme Officer, Bihar education Project Council, Shiksha Bhawan, Patna.
6. The Programme Officer, Bihar Education Project Council, 5/5 Anandpuri, West Boring Canal, Road, Patna.
7. The District Magistrate, Muzaffarpur, District-Muzaffarpur.
8. The District Education Officer, Muzaffarpur, District-Muzaffarpur.
9. The District Programme Officer, (Literacy), Muzaffarpur, District-Muzaffarpur.
10. The District Programme Officer, (Elementary Education and Sarv Shiksha Abhiyan), District Education Project, Muzaffarpur.
11. The Block Education Officer, Kurhni, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad, Adv.
For the Respondent/s	:	Mr.Anjani Kumar, AAG-4
For the BEPC	:	Mr.Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-03-2024

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ application has been filed for the
following relief/s:-

i. For issuance of appropriate writ for setting



aside the order dated 17.05.2019 issued vide Memo No.3241 under the signature of State Programme Officer, Bihar Education Project Council, Patna whereby the State Programme Officer has rejected the application of the petitioner in light of the order of Hon'ble Court for appointing as Tola Sewak on wrong and false pretext.

ii. For issuance of any other order/direction for which the writ petitioner is found entitled under the facts and circumstances of the case.”

3. The brief fact of this case is that a guideline was issued by the Bihar Education Project Council for appointment of Tola Sewak and the post were advertised in the year 2009. The petitioner applied for the post and he was selected as Tola Sewak under Kurhni Block in Muzaffarpur district. After completing the process of selection, the Block Education Officer, Kurhni sent the list of selected candidates to the District Project Office for its approval but no approval was granted by the District Project Officer. The petitioner filed representation before the State Programme Officer, Bihar Education Project Council on 11.05.2018 making all his grievance but no positive step has been taken, therefore, the petitioner has approached this Court.

4. Learned counsel for the petitioner submits that in all the districts, the list was approved by the concerned Authorities but



only in the Kurhni Block of Muzaffarpur District, the list was not approved. It is submitted that the petitioner was informed through RTI that the fund were made available by the HRD Ministry, Government of India till the period 2017-18. Since, the appointment of the petitioner was not done in time, it was totally the fault of the respondent authorities.

5. Learned counsel for the respondent nos.5 and 6 submits that the Division Bench of this Court in L.P.A. No.2185/2015 has clearly stated that the selection or engagement or hiring of the Tola Sewak is not any permanent appointment under the State, which is required to be considered under Article 226 of the Constitution of India.

6. Considering the rival submissions of the parties and the facts and circumstances of the case, it is apparent that the petitioner has no right to be appointed on the post of Tola Sewak, which is not a permanent post under the State, as has already been observed by a Division Bench of this Court.

7. This writ application is hereby dismissed.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.03.2024
Transmission Date	N.A.

