

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8334 of 2017

=====

Amarjeet Kumar Baitha son of late Siya Sharan Baitha, resident of Village-
Harpur, Pusha, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Education Project, Sarva Shiksha Abhiyan, Department of Education, Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The District Education Officer, Samastipur.
6. The District Program Officer Literacy, Samastipur.
7. The Block Education Officer, Pusa, District- Samastipur.
8. The Headmaster, Government Middle School, Harpur, Pusa, Samastipur.
9. The Coordinator, Sankul Sansadhan Center, Pirauli, Pusa, Samastipur.
10. The Chairman, School Education Committee, Government Middle School, Harpur, Pusa, Samastipur.
11. The Secretary, Government Middle School, Harpur Pusa, Pusa, District- Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar,Adv
For the Respondent/s	:	Mr.Madhaw Prasad Yadav-Gp23
For the BEPC		Mr. Girijesh Kumar , Adv

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 11-11-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent – State.

2. In the present writ application, the petitioner has
prayed for grant of following reliefs:-

(i) “For quashing of the order
contained in letter no. 80 dated
06.02.2017 (Annexure-17) passed by



the District Program Office, Literacy, Samastipur whereby direction has been given to the In-charge , Headmaster, Government Middle School, Harpur, Pusa, Pusa, Samastipur to cancel the selection of the petitioner in accordance with law.

(ii) For quashing of the order contained in memo no. 106 dated 24.04.2017 (Annexure-24) of the respondent no. 8, Headmaster, Government Middle School, Harpur, Pusa, Pusa, Samastipur whereby and where under the selection of the petitioner has been cancelled following the order of District Program Officer vide order contained in letter no. 80 dated 06.02.2017 (Annexure-17).

(iii) For issuance of direction commanding the respondents to reinstate the petitioner in service and pay all the consequential benefits including back honorarium/ salary from the date of cancellation of his selection till the date of his reinstatement.

(iv) For issuance of a direction commanding the respondents to make payment of the salary/ honorarium of



the petitioner for the working period i.e. since 09.09.2014 to 24.04.2017, which has been kept withheld on account of inquiry along with interest @ 12% per annum together with cost for harassing the petitioner up to this Hon'ble Court.

(v) For any other relief or reliefs to which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. It is an admitted position that this matter relates to the selection of Tola Sevak. In CWJC No. 12390 of 2015 by judgment and order dated 17.08.2015 a co-ordinate Bench of this Court has held and observed that Tola Sevak is not a government post but only is an engagement in social beneficial scheme. The said judgment was challenged in LPA No. 2185 of 2015 and while dismissing the LPA vide judgment dated 02.02.2017 the Division Bench of this Court was pleased to hold and observe that selection and engagement or hiring of Tola Sevak is not a permanent appointment under the State which is required to be considered under Article 226 of the constitution of India. Thus, the law relating to filing of writ application by Tola Sevak is now well settled, this Court has no other option except to dismissed this writ application as not



maintainable under Article 226 of the constitution of India for the reason as stated above.

4. Accordingly, this writ application stands dismissed.

(Alok Kumar Sinha, J)

N.K/-

U			
---	--	--	--

