

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5277 of 2025

Reema Kumari Wife of Rakesh Kumar Rajak, Resident of Village- Karkatta
Panchayat- Gheura, Block and P.S.- Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Director, Education Department, Government of Bihar, Patna.
2. The Director, Jan Shikshan Sansthan, Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The District Programme Officer, Aurangabad.
6. The Block Education Officer, Kutumba, Aurangabad.
7. The Block Programme Officer, Kutumba, Aurangabad.
8. The Selection Committee of Block Kutumba, Aurangabad.
9. Sangita Kumari, Wife of Santosh Rajak, Resident of Village- Karkatta, P.S.- Kutumba, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey
For the Respondent/s : Mr.Standing Counsel (1)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-04-2025 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for issuance of direction to the respondent authorities to appoint the petitioner on the post of “education volunteer” at Government Primary School, Noniabigha after setting aside the appointment of the private respondent no. 8.
3. The “education volunteer” is appointed under the scheme on contract basis for one year as was done in the case of Tola Sevak and the post of “education volunteer” is not



statutory and no recruitment rules are followed for their appointment.

4. A Co-ordinate Bench of this Court in a similar matter of Tola Sevak in C.W.J.C. No. 18107 of 2016 (Raj Choudhary vs. The State of Bihar and Ors.) 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 whereunder 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 Co-ordinate 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.
However, liberty is granted to the petitioner to
take recourse to such other remedies as are
available under the law.”

5. The order passed by Co-ordinate Bench presided over by
Hon’ble Single Judge in the aforesaid writ application has been
affirmed by Division Bench of this Court holding that writ
petition is not maintainable.

6. Taking into consideration the aforesaid judgment of this
Court and the fact that “education volunteer” 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, the petitioner is given liberty to take recourse to
such other remedy as is available under the law.

(Anil Kumar Sinha, J)

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