

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9458 of 2025

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Niku Kumari @ Niku Devi W/o- Mukesh Ram Resident of Village- Harajpur
Tikuliya, P.S.- Motihari, Muffasil, P.O.- Laxmipur, Distt.- East Champaran,
Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Distt. Magistrate, East Champaran, Motihari.
3. The Nodel Officer, East Champaran, Motihari.
4. The Block Panchayati Raj Officer, Motihari, East Champaran.
5. The Head Master, Govt. Middle School, Tikuliya Block, Motihari Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA 09

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-06-2025 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for issuance of direction to respondent no. 2 - District Magistrate, East Champaran, Motihari to consider the representation of the petitioner dated 02.08.2024 on the ground that petitioner stood at serial one in the merit list for the post of 'Tola Sewak' but she has not been appointed and also for a direction to the respondent no. 5 i.e. Head Master, Govt. Middle School Tikuliya Block Motihari Sadar to appoint her in terms of the merit list to the post of 'Tola Sewak'.
3. The "Tola Sewak" is appointed under the scheme on



contract basis for one year and the post of “Tola Sewak” 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 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 “Tola Sewak” 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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