

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11354 of 2025

1. Dharmendra Kumar Son of Yogendra Rajak, Resident of Village Rajajan, P.S. Mansi, District- Khagaria.
2. Suryaprakash Dev Son of Mahadev Rajak, Resident of Rajendra Nagar, P.S. Chitragupt Nagar, District- Khagaria.
3. Nandan Kumar Rajak Son of Radhe Rajak, Resident of Village Purvi Hardaschak, P.S. Muffasil, District- Khagaria.
4. Ranjeet Kumar Ranjan Son of Late Nityanand Rajak, Resident of Village- Pasraha, P.S. Pasraha, District- Khagaria.
5. Raj Kumar Rajak Son of Late Yugal Rajak, Resident of Village- Jangali Mandal Tola (Barari) P.S. Muffasil, District- Khagaria.
6. Babloo Rajak Son of Baleshwar Rajak, Resident of Village- Belasimri, P.S. Khagaria, District- Khagaria.
7. Puran Sada Son of Late Bodhan Sada, Resident of Village- Amani, P.S. Mansi, District- Khagaria.
8. Arun Kumar Choudhary Son of Mahendra Choudhary, Resident of Village- Rasonk, P.S. Morkahi, District- Khagaria.
9. Khadanand Sada Son of Late Baukoo Sada, Resident of Village Baghara, P.S. Beldlaur, District- Khagaria.
10. Jyoti Kumari W/o Banke Kumar, Resident of Village- Beldaur, P.S. Beldaur, District- Khagaria.
11. Bijendra Sada Son of Lakshman Sada, Resident of Village- Bishunpur, P.S. Beldaur, District- Khagaria.
12. Mukesh Kumar Son of Kisundev Ram, Resident of Village- Pirnagra, P.S. Beldaur, District- Khagaria.
13. Soni Kumari W/o Mukesh Kumar, Resident of Village- Pirnagra, P.S. Beldaur, District- Khagaria.
14. Ramnarayan Son of Upendra Rajak, Resident of Village- Rajajan, P.S. Mansi, District- Khagaria.
15. Balkishore Kumar Son of Chhotelal Rajak, Resident of Village- Bisanpur, P.S. Muffasil, District- Khagaria.
16. Md. Ajmat Ali Son of Md. Suhbanuddin, Resident of Village- Masti Gunsarai, P.S. Mansi, District- Khagaria.
17. Md. Shafi Alam Son of Md. Kalimuddin, Resident of Village- Mensauri, P.S. Mufassil, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Addl. Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Jan Shiksha, Education Department, Bihar, Patna.



4. The District Magistrate, Khagaria.
5. The District Education Officer, Khagaria.
6. The District Programme Officer, Sarva Shiksha Abhiyan, Khagaria.
7. The District Programme Officer, Establishment, Khagaria.
8. The District Programme Officer, Saskshsarta, Khagaria.
9. The Block Education Officer, Khagaria.
10. The Block Education Officer, Mansi Block, District- Khagaria.
11. The Block Education Officer, Alauli Block, District Khagaria.
12. The Block Education Officer, Chautham Block, District- Khagaria.
13. The Block Education Officer, Beldaur, District- Khagaria.
14. The Block Education Officer, Gogri, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Hafiz Shahbaz Arif
For the Respondent/s : Mr.Government Pleader (16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-07-2025 1. Heard learned counsel for the parties concerned.
2. The petitioners have filed the present writ application for the following reliefs:-

(i) For issuance of a writ of certiorari or any other appropriate writ order or direction commanding the respondents to absorb / adjust the petitioner to continue work on the vacant posts of Education Volunteers of Talimi Markaz and Tola Sevak of Khagaria District.

(ii) For issuance of an appropriate writ order or direction in the nature of mandamus directing the respondent to adjust and absorb the petitioners due to the services rendered by them on the basis of respective letter of employment issued in the favour in the financial year 2009-10 and respective honorarium



had been paid for the period as such the petitioners are entitle to be continued on the respective vacant post of Tola Sevak and Talimi Markaz under the guidelines of the scheme and relevant executive instruction issued in that regard.

(iii) For issuance of an appropriate writ, order or direction restraining the respondents authorities from filling up the vacancies on the posts of Tola Sevak and Education Volunteers of different Talimi Markaz of Khagaria District by direct appointment as advertised vide letter no. 81 dated 23.05.2025 issued by the District Education Officer, Khagaria

(iv) For issuance of an appropriate writ, order or direction for grant of ad-interim stay of the ongoing processes of appointment on vacant posts of Education Volunteers, Tola Sevak of Talamimi Markaz in the District of Khagaria as contained in Annexure-P/1 of the writ petition during the pendency of this writ petition.

(v) For issuance of an appropriate writ, order or direction for grant of any other appropriate relief or reliefs for which the petitioners may be deemed entitled in the facts and circumstances of the case.

3. The “Talimi Markaz Shiksha Swem Sevi” is appointed under the scheme on contract basis for one year as was done in the case of Tola Sevak and the post of “Talimi Markaz Shiksha Swem Sevi” 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 avail-



able 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 “Talimi Markaz Siksha Swem Sevi” 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 petitioners are given liberty to take recourse to such other remedy as is available under the law.

(Anil Kumar Sinha, J)

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