

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11782 of 2017

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Jitendra Kumar Chaudhary Son of Krishna Mohan Chaudhary, Resident of Village-Ketaki, P.O.-Ketaki, P.S.-Dev, District-Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director Bihar Education Project Council, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad, District-Aurangabad Bihar.
4. The District Programme Officer, Education Literacy, Aurangabad, District-Aurangabad Bihar.
5. The Block Education Extension Officer, Dev, P.O.-Dev, P.S.-Dev, District-Aurangabad Bihar.
6. The Principal Teacher, Primary School, Cheta Bigha, Dev, P.O.-Dev, P.S.-Dev, District-Aurangabad Bi
7. The Secretary, School Education Committee, Cheta Bigha, Dev, P.O.-Dev, P.S.-Dev, Aurangabad Bihar.
8. The District Superintendent of Education, Aurangabad, District-Aurangabad Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11824 of 2017

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Pinki Kumari wife of Ravi Shankar Prasad, Daughter of Tripurari Choudhary, resident of Village- Ketaki Math, P.O.- Ketaki Math, P.S.- Dev, District-Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director Bihar Education Project Council, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad District Aurangabad Bihar.
4. The District Programme Officer, Education Literacy, Aurangabad, District-Aurangabad Bihar.
5. The Block Education Extension Officer, Dev, P.O.- Dev, P.S.- Dev, District-Aurangabad Bihar.
6. The Principal Teacher, Primary School, Cheta Bigha, Dev, P.O.- Dev, P.S.-Dev, District- Aurangabad
7. The Secretary, School Education Committee, Cheta Bigha, Dev, P.O.- Dev, P.S.- Dev, Aurangabad Bihar
8. The District Superintendent of Education, Aurangabad, District- Aurangabad



Bihar.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11782 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Giri, Adv.

For the Respondent/s : Mr. AC to AAG-15

For BEPC : Mr. Girijesh Kumar, Adv.

Mr. Akash Anand, Adv.

(In Civil Writ Jurisdiction Case No. 11824 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Giri, Adv.

For the Respondent/s : Mr. Smt. Binita Singh, SC-28

For BEPC : Mr. Girijesh Kumar, Adv.

Mr. Akash Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 10-12-2025 Heard learned counsel for the petitioners, learned
counsel for Bihar Education Project Council and learned
counsel for the respondents-State.

2. Admittedly this case relates to Tola Sewak.

3. By order dated 02.02.2017 passed by Division Bench of this Court in LPA No.2185 of 2015, it has been clearly held that 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. It was on this basis that the appeal filed by the Tola Sewak was dismissed. By another judgment dated 02.01.2024 passed by a coordinate Bench of this Court in CWJC No.15189 of 2019, it has been held that the post of Tola Sewak and the post of Talimi Markaz are not statutory posts and no recruitment rules are followed for their appointment. Relying upon another judgment delivered by



coordinate Bench of this Court in the matter of ***Raj Choudhary*** ***v. The State of Bihar*** and others in C.W.J.C. No. 18107 of 2016, ultimately it was held that Tola Sewak and Talimi Markaz Shikshak Swayam Sevi do not hold civil post as well as they are not statutory post and therefore, the writ application is not maintainable. This decision given by a coordinate Bench of this Court has further been affirmed by the Division Bench in LPA No.630 of 2019 vide judgment and order dated 01.03.2021.

4. In view of the above settled position in law, I am not inclined to entertain this writ application as it has been preferred at the behest of Tola Sewak, hence the writ application is dismissed. The petitioners would be at liberty to seek remedy before any other appropriate forum which is available to the petitioners in accordance with law.

(Alok Kumar Sinha, J)

Prakash Narayan

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