

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.678 of 2025

=====

Muskan Khatoon D/o Md. Kalam Resident of Village- Ali Neora East, Ward
No.- 4, P.S.- Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Programme Officer (Literacy), Muzaffarpur.
5. Block Education Officer, Meenapur, Muzaffarpur.
6. The Selection Committee of Ali Neora Panchayat, Ward no.- 4, Muzaffarpur through its Chairman.
7. Asmina Khatoon, Wife of Md. Allauddin, Ward no.- 4 Ali Neora, Meenapur, P.S.- Meenapur, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Respondent/s : Mr. Kinkar Kumar, SC 9

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-01-2025 Heard learned counsel for the parties.

2. The petitioner has filed the present writ application for issuance of direction to the respondent authorities to enquire into the illegalities in the selection of private respondent no.7 who has been selected for the post of Talimi Markaz though she could not have been selected since at that relevant time she was member of the selection committee and after setting aside the selection of the private respondent no.7, the petitioner be appointed as Talimi Markaz since she is the most eligible



candidate for the post and further direct to pay her the remuneration and other consequential benefits.

3. The Shiksha Sevak (Talimi Markaz) is not a statutory post in nature and no recruitment rules are followed for their appointment. It arises under the scheme and the appointment is contractual for one year.

4. A Co-ordinate Bench of this Court, in the matter of Tola Sewak, in CWJC No. 18107 of 2016, 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 where under 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 coordinate 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."



5. Order passed by the co-ordinate Bench in the aforesaid writ application has been affirmed by a Division Bench of this Court, holding that the writ petition is not maintainable.

6. Taking into consideration aforesaid judgment of this Court and the fact that Talimi Markaz 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, disposed of.

8. However, liberty is granted to the petitioner to take recourse to such other remedies as are available under the law.

(Anjani Kumar Sharan, J)

shikha/-

U			
---	--	--	--

