

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.892 of 2026

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Tuntun Mahto Son of Late Mahadev Mahto, Resident of village- Gangsara,
Ward No.- 09, P.S.- Sarairanjan, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director Mass Education cum Joint Secretary, Government of Bihar, Patna.
5. The District Magistrate, Samastipur.
6. The District Education Officer, Samastipur.
7. The District Program Officer (Establishment), Samastipur.
8. The District Program Officer, (Literacy), Samastipur.
9. The Block Education Officer, Sarairanjan, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Respondent/s : Mr. Rajeev Ranjan, A.C. to Government Pleader
(20)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 22-01-2026 Heard learned counsel for the petitioner and learned
counsel for the respondent-State.

2. The petitioner in the present writ application has
prayed for grant of following relief :-

*(i) For issuance of an appropriate writ
commanding the respondents to pay the salary to
the petitioner after calculating from 11.03.2012 to
till the month of October, 2018 he was worked.*

*(ii) For issuance of an appropriate writ
commanding the respondents to allow to the
petitioner to work on the post of Tola Swayam*



Sewak because no termination letter has been issued to the petitioner and till date the said post is still vacant in Government Middle School, Gangsara, Sarairanja upon which petitioner was appointed on 22.10.2008 and payment of salary was made to the peittioenr only till 11.02.2012.”

3. At the very outset learned counsel appearing for the respondent State submits that this writ application is not maintainable as the same have been preferred at the behest of Tola Swayam Sewak.

4. By order dated 02.02.2017 passed in L.P.A. No. 2185 of 2015, Division Bench of this Court has already held that Tola Sewak is not a permanent appointment of the State and, therefore, matter relating to them cannot be considered under Article 226 of the Constitution of India.

5. In another order dated 01.03.2021 passed in L.P.A. No.630 of 2019, similar stand has been taken by the Division Bench of this Court. By order dated 19.11.2025 passed in C.W.J.C. No.22280 of 2014 and order dated 20.01.2026 passed in C.W.J.C. No.21555 of 2018 also above position in law with regard to Tola Sewak has been reiterated.

6. In view of the settled position in law that writ application at the behest of Tola Sewak is not maintainable, I am not inclined to entertain this writ application and hence it is accordingly dismissed as not maintainable.



7. The petitioner would be at liberty to seek his remedy before appropriate forum/authority in accordance with law.

(Alok Kumar Sinha, J)

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