

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2655 of 2025

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Ziyaul Haque @ Md. Ziyaul Haque Son of Abdur Shakur Ansari, Resident of village- Pirojgarh, Police Station - Ghoghardiha, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The Director Mass Education- Cum-Joint Secretary, Govt. of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Programme Officer-Cum-District Programme Co-ordinator, Bihar Education Project, Madhubani.
6. The Block Education Officer, Ghoghardiha, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader (03)
For the BEPC	:	Mr. Girjesh Kumar, Advocate
	:	Mr. Akash Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 19-01-2026 Heard the parties.

2. The present writ petition has been filed for the issuance of appropriate writ or direction directing the respondents to pay honorarium to petitioner (*Talimi Markaz*) from June 2011 to till date and thereafter on monthly basis as per law.

3. At the outset, learned counsel for the respondent-State points out three different orders passed by a Co-ordinate Bench of this Hon'ble Court (Annexure-R/1 to Annexure R/3 of the counter affidavit filed on behalf of the respondent no.5). The



relevant paragraphs of Annexure-R/1 are as follows:-

3. *The Talimi Markaz Shikshak Swayam Sevi is appointed under the scheme on contract basis for one year, as was done in the case of Tola Sewak and the post of Talimi Markaz Shikshak Swayam Sevi is not statutory and no recruitment rules are followed for their appointment.*

4. *A Co-ordinate Bench of this Court, in the matter of Tola Sewak, in **C.W.J.C. No. 18107 of 2016 (Raj Choudhary v. The State of Bihar and others)**, 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 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. However, liberty is granted to the petitioner to take recourse to such other remedies as are available under the law.”

5. *The aforesaid order passed by a co-ordinate Bench of this Court presided over by Hon'ble Single Judge in the case of **Raj Choudhary (supra)** has been affirmed by a Division Bench of this Court holding that the said writ petition is not maintainable.*

4. Taking into consideration the aforesaid judgments of the Co-ordinate Bench of this Hon'ble Court and the fact that the *Talimi Markaz Shikshak Swayam Sevi* does not hold civil post and the same is not a statutory post, I am also of the considered opinion that the present writ petition is not maintainable and accordingly, the same is dismissed.

(Ritesh Kumar, J)

AjayMishra/-

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