

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21555 of 2018

Chandan Kumar Manjhi Son of Dasai Manjhi, Resident of Village- Masaurha
Telpa, Police Station- Bikram, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Education Officer, Patna.
3. The District Programme Officer, R.M.S.Saksharta, Patna.
4. The Block Education Officer, Bikram, Block- Bikram, District- Patna.
5. The In-Charge Head Master, Primary School, Masaurha, Telpa, Bikram, District- Patna. null null

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Niranjana Kumar, Adv. Mr. Ranjan Kumar Singh, Adv.
For the Respondent/s	:	Ms. Abhanjali, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 20-01-2026 Heard learned counsel for the petitioner and learned
counsel appearing for the respondents-State.

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

*“(i) For directing the respondents
to produce the letter no. 315 dated
27.06.2017 passed and issued by the Block
Education Officer, Bikram, District- Patna
and for quashing of the letter dated
28.06.2017 issued by the respondent no. 5 in
consequence to the letter no. 315 dated
27.06.2017 issued by the respondent no. 4,
whereby and where under services of the
petitioner as Tola Sewak has been suspended
till approval of the competent authority.*

*(ii) For quashing the order dated
8.03.2018 contained in Memo No.240
passed by the District Programme Officer*



(Saksharta), Patna by which the representation of the petitioner for joining on the post of Tola Sevak has been rejected in a very mechanical manner without appreciating the facts and circumstances as well as prevailing guidelines for the post of Tola Sevak.

(iii) For a direction to the respondents to reinstate the petitioner for the post of Tola Sevak to discharge his duties in Primary School, Masaurha, Telpa, Bikram, District- Patna with all consequential benefits.

(iv) For any other relief or reliefs to which the petitioner is entitled to in the facts and circumstances of the case.”

3. Admittedly this has been filed at the instance of a Tola Sewak.

4. In the judgment and order dated 02.02.2017 passed in LPA No.2185 of 2015, Division Bench of this Court has unequivocally held that selection or engagement or 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.

5. Thereafter, by another judgment and order dated 02.01.2024 a co-ordinate Bench of this Court while deciding CWJC No.15189 of 2019 has also held that Talimi Markaz Shikshak Swayam Sevi and Tola Sewak do not hold civil post as well as they are not even a statutory post and therefore, no writ is maintainable at their behest.



6. Thereafter, in another judgment and order dated 01.03.2021 passed in LPA No.630 of 2019 the Division Bench of this Court has reiterated the same position that no writ is maintainable at the instance of Tola Sewak. Further in another judgment and order dated 19.11.2025 passed in CWJC No.22280 of 2014, this Court has also taken the same view and had dismissed the writ application on the ground that it was filed at the best of Tola Sewak.

7. All these judgments were given to learned counsel for the petitioner for perusal, after a preliminary objection was raised by respondents-State objecting to the maintainability of the present writ application. Despite perusing all these orders passed by this Court in different cases, learned counsel appearing for petitioner kept on insisting for deciding the case on merit stating that the impugned order passed against the petitioner is patently illegal and without jurisdiction and in complete violation of principle of natural justice. He further submitted that the impugned order has been passed in teeth of the Guideline of 2018.

8. All the above submissions could only have been gone into if the writ petition was maintainable at the behest of Tola Sewak. The learned counsel for the petitioner unnecessarily



wasted the time of this Court for nearly one hour, despite having perused all the above judgments and orders.

9. In view of the settled position of law that no writ is maintainable at the behest of Tola Sewak, this writ application is dismissed as not maintainable with a cost of Rs.25,000/- imposed on the petitioner, for insisting to decide the case on merit. Cost must be deposited with Bihar Legal Services Authority.

(Alok Kumar Sinha, J)

Prakash Narayan

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