

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16892 of 2017

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Md. Irshad Son of Md. Mansur Alam @ Md. Mansur Resident of Village-
Gumti Tola, P.S. Block- Kursela, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Education ,Govt. of Bihar, Patna.
3. The Director, Jan Shiksha-cum-Joint Secretary, Department of Education
Govt. of Bihar,Patna.
4. The Collector-cum-District- Magistrate, Katihar,District- Katihar.
5. The District Programme OfficerLiteracy, District- Katihar.
6. The Block Education Extension Officer, Block- Kursela District- Katihar.
7. The Block Programme Officer-Cum-Cordinator, Block Kursela, District-
Katihar.
8. The Secretary, Gram Panchayat Raj Zarlahi, P.S. Block- Kursela, District-
Katihar.
9. The Head Master , Utkarmit Middle School, Gumti Tola, Block- Kursela,
District- Katihar.
10. Shah Alam Son of Md. Khairullah Vill- Gumti tola, P.S. Block-
Kursela,District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda, Adv.
For the Respondent/s : Mr.S.C.Mishra -SC-16

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

8 22-01-2026 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:

*“For quashing the order dated
21.12.2015 passed by the Tola Samitti
(appointment committee) of Utkermit Middle
School, Gumti Tola, Block-Kursela, District-
Katihar whereby and whereunder the
appointment of petitioner has been*



terminated from the post of Shiksha Soyam Sevak and further for a direction to the concerned Respondents to appoint the petitioner on the said Post of Shiksha Yoyam Sevak in the said Middle School of Gumti Tola, Block-Kursela, Katihar and for other necessary directions in the circumstances set forth below.”

3. Learned counsel appearing for the respondents-State objects to the maintainability of the present writ application contending that the petitioner was a Shiksha Swayam Sevi /Tola Sewak, which is apparent from Annexure-F to the counter affidavit filed by respondents-State. He submits that the status of Shiksha Swayam Sevi and Tola Sewak are similar to each other and since it has already been held by various decisions of this Court that Tola Sewak do not hold a civil post and therefore, no writ is maintainable at their behest under Article 226 of the Constitution of India, similarly no writ at the behest of Shiksha Swayam Sevi would also be maintainable in law.

4. In the case of Ram Lakhan Ram vs. The State of Bihar & Ors., Division Bench of this Court judgment vide order dated 02.02.2017 passed in LPA No.2185 of 2015 has already held that matters relating to 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. Further, the same position has been reiterated in order dated 01.03.2021 passed in LPA No.630 of 2019 and thereafter in various decision of coordinate of this Court such as order dated 20.01.2026 passed in CWJC No.21555 of 2018, order dated 19.11.2025 passed in CWJC No.22280 of 2014, the same position in law has been reiterated.

6. In view of the fact that no writ is maintainable at the instance of Tola Sewak and the status of Shiksha Swayam Sevi is akin to Tola Sewak, therefore, this writ application is not maintainable in law, accordingly it is dismissed.

7. Petitioner is granted liberty to approach the appropriate forum/authority, which may be available to him in accordance with law for redressal of his grievances.

(Alok Kumar Sinha, J)

Prakash Narayan

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