

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.575 of 2025

Arising out of

C.W.J.C. No. 17938 of 2023

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Shashi Kant Lal Chaudhari, Son of Late Ladoo Chaudhary @ Ladu Lal Chaudhary, Resident of village Karichak, Post Chapki, District- Begusarai.

... .. Appellant

Versus

1. The State of Bihar through Principal Secretary Education Department, Government of Bihar, Patna.
2. The Joint Secretary Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Begusarai.
4. The District Programme Officer, (Establishment), Begusarai.
5. The Block Education Officer, Begusarai Block District Begusarai.
6. The Principal Upgraded Urdu Middle School, Karichak, District- Begusarai.
7. The District Programme Officer, Sharve Siksha Abhiyan, Begusarai.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Jai Kishor Poddar, Advocate

For the Respondent/s : Mr.Addl. Advocate General (13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-04-2026

This Letters Patent Appeal has been filed by Shashi Kant Lal Chaudhari challenging the order dated 07.01.2025 passed by the learned Single Judge in C.W.J.C. No. 17938 of 2023 in holding that in view of the judgment dated 02.02.2017 passed by this Court in L.P.A. No. 2185 of 2015, the writ petition is not maintainable.

The writ petition was filed by the appellant seeking



for the following relief(s):

“(A) For quashing of the order dated 13-1-2023 passed by the State Appellate Authority (Education Department, Bihar) Patna in O.A. No. 1022/2022 whereby and whereunder the original appeal filed by the petitioner has been rejected without any legal consideration.

(B) For grant him continuity of service on the post of Tola Swam Sewak at Karichak Tola in Up graded Urdu Middle School, Karichak, District- Begusarai till the completion of 60 years of age in view of the memo No. 1529 dated 26-08-2015 of the Education Department, Bihar

(C) A direction for payment of due salary allowances of the petitioner with interest.

(D) Any other order/orders under the facts and circumstances of the case.

2. Though no counter affidavit was filed during the pendency of the writ petition, but in the Letters Patent Appeal counter affidavit has been filed on behalf of Respondents No. 3 to 5, sworn by the District Education Officer, Begusarai, wherein, it is stated that the appellant was appointed as Tola Swayamsevak in the light of Tola Swayamsevak Niyojan Form No. 05 issued under the joint signature of the then Chairman of Tola Swayamsevak Committee -cum- Tola Samitee Urdu M.S.



Karichak, Block- Begusarai and the then H.M. of Urdu M.S. Karichak, Block- Begusarai. The appellant joined on 06.03.2010 in the aforesaid school and worked continuously till 05.03.2013 and he has received all his salary for the working period. It is further stated that the then D.P.O. (Secondary Education) -cum- B.E.O., Begusarai submitted a report regarding *niyajan* as Tola Swayamsevak to the D.P.O. (Establishment), Begusarai vide Letter No.472 dated 30.11.2023 which makes it clear that the appellant had not filed his application before the concerned Committee for his *reniyajan* and in inquiry the said centre was also found to be closed. It is further stated in the counter affidavit that neither the appellant's *niyajan* as Tola Swayamsevak had been extended by the competent authority nor the work had been taken from him after March, 2012, and as such, the scheme would not be applicable. It is further stated that the Division Bench decision on which reliance has been placed by the learned Single Judge states that since the selection or engagement or hiring of the Tola Swayamsevak is not a permanent appointment under the State, which is required to be considered under Article 226 of the Constitution of India, therefore, the appeal was dismissed.

3. Considering the submissions made by the learned



counsel for the respective parties and after going through the stand taken by the State in the counter affidavit, and particularly in view of the Division Bench order dated 02.02.2017 passed by this Court in L.P.A. No. 2185 of 2015; since we find no perversity or palpable unreasonableness in the order passed by the learned Single Judge, we are not inclined to entertain this Letters Patent Appeal, which stands dismissed.

4. Interlocutory Application(s), if any, shall also stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

P.K.P./-

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CAV DATE	
Uploading Date	18.04.2026
Transmission Date	

