

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12767 of 2017

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1. Radhe Shyam Kumar Son of Moti Chandra Ram, Resident of Village- Baswaria, P.O.- Musharwa, P.S.- Sathi, District- West Champaran.
 2. Rajesh Ram, son of Sri Dasharath Ram, Resident of Village P.S.- Pachrukhiya, District- West Champaran.
 3. Tulsi Ram, Son of Late Ram Chandra Ram, resident of Village P.O. and P.S.- Ram Nagar, District- West Champaran.
 4. Mankeshwar Kumar Bharati, son of Mahanth Ram, resident of Village- Pakadi, P.O.- D.K. Sikarpur, District- West Champaran.
 5. Sikandar Ram, Son of Satya Narayan Ram, Resident of Village- Birkahani, P.O.- Bakhari, P.S.- Ramnagar, District- West Champaran.
 6. Madan Ram, son of Sri Tulsi Ram, resident of Village- Purainiya, P.O.- Narkatiyaganj, P.S.- Sikarpur, District- West Champaran.
 7. Jai Prakash Ram, son of Bharat Ram, resident of Village- Sherhawa, Dak hawa, P.O. - Murli, P.S.- Shikarpur, District- West Champaran.
 8. Prem Chandra Ram, Son of Sri Shankar Ram, resident of Village Post- Dumaria, P.S.- Narkatiyaganj, District- West Champaran.
 9. Vinod Ram, son of Sri Ramanand Ram, Resident of village- Dumaria, P.O. P.S.- Narkatiyaganj, District- West Champaran.
 10. Hemant Kumar Krishnaiya, Son of Baidhyanath Ram, resident of Village- Pakadi, P.O. P.S.- Ramnagar, District- West Champaran.
 11. Abhishek Kumar, Son of Sri Kanhaiya Ram, Resident of Village- Dokani Don, P.O. P.S.- Ramnagar, District- West Champaran.
 12. Hema Devi, Daughter of Muni Lal Ram, resident of Village- Dhumnagar Dhuswa, P.O. P.S.- Ramnagar, District- West Champaran.
 13. Santosh Kumar, Son of Ram Dev Baitha, resident of Village- Hardiya Chowk, P.O.- Narkatiyaganj, P.S.- Sikarpur, District- West Champaran.
 14. Satya Naryan Ram, Son of Surya Ram, Resident of village- Sipahi, P.O.- Tirmoni, P.S.- Samera, District- West Champaran.
 15. Dharmendra Ram, Son of Brichha Ram, resident of Village- Silwatia Badgo, P.O. P.S.- Ramnagar, District- West Champaran.
 16. Rajesh Ram, Son of Ramnit Ram, Resident of Village- Keshariya Manjhariya, P.O. P.S.- Narkatiyaganj, District- West Champaran.
 17. Gopi Ram, Son of Sri Shiv Nath Ram, resident of Village P.O.- Roari, P.S.- Sikarpur, District- West Champaran.
 18. Kameshwar Ram, Son of Sri Jagdish Ram, resident of Village- Sonasati, P.O.- Rajpur, P.S.- Sikarpur, District- West Champaran.
 19. Baidyanath Ram, Son of Late Vikram Ram, resident of village-



- Dumariya, P.O. P.S.- Narkatiyaganj, District- West Champaran.
20. Ramesh Ram, Son of Prahlad Ram, resident of village- Gudgudi, P.O. P.S.- Ramnagar, District- West Champaran.
 21. Sudama Ram, Son of Late Maharaj Ram, Resident of village P.O.- Dumariya Estate P.S.- Sikarpur, District- West Champaran.
 22. Shiv Nath Ram, Son of Late Bhikhari Ram, Resident of village- Mushahari Sathi, P.O. P.S.- Loriya, District- West Champaran.
 23. Brajesh Ram, Son of Sri Bhikari Ram, resident of Village P.O.- Murli, P.S.- Sikarpur, District- West Champaran.
 24. Mantu Kumar Baitha, Son of Gauri Shankar Baitha, resident of Village- Vilashpur, P.S.- Ram Nagar, District- West Champaran.
 25. Jitendra Ram, Son of Late Bandhu Ram, Resident of village- Basopatti, P.O.- Puraina, P.S.- Sanichari, District- West Champaran.
 26. Sadhu Ram, Son of Sri Ramdhari Ram, resident of Village- Maheshpur, P.O.- D.K. Sikarpur, P.S.- Sikarpur, District- West Champaran.
 27. Bikau Ram, Son of Sita Ram Ram, Resident of Village- Parti Tola, P.O. P.S.- Sikarpur, District- West Champaran.
 28. Ram Sugriv Ram, son of Late Bhola Ram, Resident of Village P.O.- Siswa Basantpur, P.S. Chhotkha, District- West Champaran.
 29. Prabhu Bhagat, son of Bhagwati Bhagat, Resident of Village- Arya Nagar, P.O. P.S. Ram Nagar, District- West Champaran.
 30. Sonu Baitha, Son of Kishun Baitha, resident of Village- Mathiya, P.O. P.S.- Kangoli, District- West Champaran.
 31. Manohar Baitha, son of Harendra Baitha, resident of Village- Pokhariya, P.S.- Kangoli, District- West Champaran.
 32. Ramgyani Ram, son of Bhola Ram, resident of Village- Mudila, P.O. P.S.- Ram Nagar, District- West Champaran.
 33. Satan Ram, son of Adalat Ram, resident of Village- Barba Personi, P.O.- Pidari, P.S.- Inrawa, District- West Champaran.
 34. Vijay Kumar, Son of Ram Chandra Ram, Resident of Village- Barwa Personi, P.O.- Pidari, P.S.- Inarwa, District- West Champaran.
 35. Amresh Kumar Ram, Son of Masudan Ram, Resident of Village P.S.- Pachrukhiya Ramnagar, District- West Champaran.
 36. Akhilesh Baitha, son of Chopat Baitha, P.O.- Narkatiyaganj, P.S.- Sikarpur, District- West Champaran.
 37. Rajesh Ranjan Chaudhary, Son of Gauri Shankar Baitha, resident of Village- Dumari, Block- Ramalagar, District- West Champaran.
 38. Archana Kumari, daughter of Baidhnath Baitha, resident of Village P.O.- Sheorampur, P.S.- Yoga Patti, District- West Champaran.
 39. Manoranjana Kumari, Daughter of Baijnath Baitha, resident of Village-



Shiv Rajpur, P.O.- Shiv Rajpur, P.S.- Lotiya, District- West Champaran.

40. Sudesh Ram, son of Late Shuk Deo Ram, Resident of Village- Basopatti, P.S.- Sanichari, District- West Champaran.
41. Rakesh Baitha, son of Rajendra Baitha, resident of Village P.O.- Dumariya Estate, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Joint Seretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Education and Welfare Department, Government of Bihar, Old Secretariat, Pa
4. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
5. The Director, Sarv Shiksha Abhiyan, Government of Bihar, Patna.
6. The Commissioner, Tirhut, Division, Muzaffarpur.
7. The District Magistrate, District- West Champaran.
8. The District Programme Officer, District- West Champaran.
9. The Deputy Secretary, State Mahadalit Commission, Indira Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Pandey
For the Respondent/s : Mr. S.C. Mishra-Sc16

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-11-2021

1. Heard Mr. Radha Mohan Pandey, the learned counsel for the petitioners and learned AC to SC -16.
2. The petitioners are aggrieved by the letter dated 01.09.2011 issued by the District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, West



Champan, by which the Special Trained Non Residential Centre has been directed to be closed with immediate effect, where that petitioners were rendering their services as Maha Dalit Shiksha Swayam Sevak and had been assured to be absorbed as Tola Swayam Sevak.

3. The petitioners were engaged as Maha Dalit Shiksha Swayam Sevak on contract basis in the financial year 2011 -12 with the responsibility of accompanying students of lower strata of society for whole of the day so that they don't run away from the school and also make efforts for upliftment of their living standards.

4. The engagement of the petitioners as Maha Dalit Shiksha Swayam Sevak was for one year with honorarium of Rs. Two Thousand per month. After the period of one year is over, such Tola Sevaks could be re-adjusted depending upon their performance.

5. Mr. Pandey, the learned Advocate for the petitioners submits that the only reason for him to agitate their cause is that the scheme of Tola Sevaks has not been done away with. Surprisingly, such Tola Sevaks who were



engaged in the year 2008 -09 and 2013-14 have been allowed to continue with their respective engagements and are being paid their honorarium. It is only in the district of West Champaran that the Tola Sevaks who were engaged in the year 2011-12, their services have been terminated.

6. The petitioners have been representing before all authorities, who have written to the Principal Secretary, Department of Education for continuance of the petitioners as Tola Sevaks but to no avail.

7. The learned counsel for the petitioner has submitted that the stand of the State that the engagement of the petitioners as Maha Dalit Shiksha Swayam Sevak is only for certain period and the petitioners cannot, therefore, insist for their continuance of such engagement, is not tenable as this statement could have been accepted provided the entire project would have been stayed.

8. The State has not controverted the factual position that the Maha Dalit Shiksha Swayam Sevak who were engaged before and after the engagement of the petitioners have been absorbed as Tola Swayam Sevak and



have been allowed to continue with such engagement and recently Tola Sevaks Rule of 2018 also has been promulgated for the effective functioning of such project.

9. Though, the communication intimating the closure of Special Trained Non-Residential Centre was issued in the year 2012 but this petition is being entertained today for the reason that the project has not yet been abandoned and many person who have been engaged as Maha Dalik Shiksha Swayam Sevak in different districts were absorbed as Tola Swayam Sevaks and have been allowed to continue. There does not appear to be any rationale behind the picking the Tola Sevaks of one district only and that also who were appointed in one particular financial year and terminating their engagement.

10. Considering this aspect of the matter, the petitioners are directed to make a detailed representation before the Principal Secretary, Department of Education, Govt. of Bihar within a period four weeks, who on receipt of such representation shall pass a reasoned order within a further period of eight weeks. In case there is no rationale behind disengaging the petitioners when such Tola Sevaks



who were appointed in different districts and different financial years have been allowed to continue, necessary sequel action shall be taken as there is nothing on record to indicate any difference between those Tola Sevaks who were engaged later than the petitioners and are still continuing with such engagement.

11. The petition stands disposed of accordingly

(Ashutosh Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.12.2021
Transmission Date	N/A

