

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.393 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 16512 of 2013

=====

Shiv Kumar Singh S/O Shri Deo Lal Singh R/O Vill. - Dharmadaspur, P.O. Desri,
Distt. - Vaishali

.... Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department, Govt. Of Bihar, Patna
2. The Director, Higher Education, Education Department, Bihar, Patna
3. The Registrar, BRA Bihar University, Muzaffarpur
4. The Principal, BMD College, Dayalpur, Vaishali
5. The District Magistrate, Vaishali at Hajipur
6. The District Education Officer, Vaishali at Hajipur
7. Md. Naseem Ahmad, the then District Superintendent Of Education, Vaishali At Hajipur at Present Posted as DPO, Lakhisarai
8. Rajeshwar Prasad Singh S/O Late Julum Singh R/O Vill. - Desari, P.S. Desari, Distt. -Vaishali at Present Posted as H.M. Girls Middle School Desri (Vaishali) and D.D.O. of Desri Block of Vaishali District

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ram Shankar Das, Advocate.

For the Respondent/s : Mr. Kameshwar Prasad Gupta, GP-10.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 28-07-2016

The challenge in the present Letters Patent Appeal is to an order dated 4th September, 2013 passed by the learned Single Bench which was found to be frivolous and was dismissed with exemplary cost quantified at Rs. 25,000/-.

The appellant claims to be the Secretary of Vidyalay Shiksha Samitee of Girls Middle School, Desri in the district of

Vaishali. The appellant has sought that an appropriate action should be taken against respondent no. 8, who is getting benefit of graduate trained teacher promotional benefits by illegal means. The respondent no. 8 is not a teacher of a school in which the appellant is a Secretary. He is a teacher in a Government H.M. Girls Middle School, Desri.

It is for the employer of the respondent no. 8 to take action against its employee and not for a busy body like the appellant, who has no concern with respondent no. 8, except may be the personal rivalry. We find that the present petition is an abuse of process of law and the learned Single Bench has rightly imposed cost of Rs. 25,000/-.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

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