

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15757 of 2015

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Krishna Kumar Kanth, Son of Late Sumrit Lal Kanth, resident of Dak Bunglaw,
P.O. Raghobpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Urban Development Department,
Government of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The District Magistrate, Supaul.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila
Parishad, Supaul.
5. The Additional District Magistrate, District Revenue Office, Supaul.
6. The Chairman, District Board, Supaul.
7. Dilip Kumar Singh, presently working as Head Clerk, District Board, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Ajay, G.A.-5
For respondent No.6	:	Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 17-01-2017

The petitioner has invoked the writ jurisdiction of this Court in public interest to seek removal of respondent no.7 from the post of Head Clerk, Zila Parishad, Supaul.

The petitioner relies upon an order passed by this Court in CWJC No.13623 of 2014 (Sanjiv Kumar Versus The State of Bihar & Ors.) decided on 20th April, 2015, wherein, in a public interest litigation, this Court set aside the regularisation of services of some of the respondents in the said writ application.

We are of the opinion that the petitioner cannot be



permitted to invoke public interest writ jurisdiction for removal of respondent no.7 as it is a service matter. This Court in CWJC No.21601 of 2014 (Samrendra Kumar Sudhansu Vs. The State of Bihar & Ors.) decided on 21.11.2016 has examined the maintainability of public interest litigation in a service matter and has held that no such writ application is maintainable. In the judgment referred, no objection was taken as to the maintainability of public interest petition in the service matters; therefore, the said judgment is of no avail to the petitioner.

In view of the said fact, we do not find that the petitioner has made any cause for interference in public interest writ jurisdiction of this Court. However, the respondents shall consider the factum of any illegality in the appointment of Respondent No. 7 in accordance with law.

Dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	18.01.2017
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