

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.812 of 2016
IN
Civil Writ Jurisdiction Case No. 13013 of 2015**

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Prashant Kumar Priyadarshi Son of Sri Ashok Kumar Prasad Singh resident of Village - Belwar, Police Station - Vaishali in the district of Vaishali.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Joint Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Development Commissioner cum Executive Officer, Zila Parishad, Muzaffarpur.
6. The District Education Officer, Siwan.
7. The District Development Commissioner cum Executive Officer, Zila Parishad, Siwan.
8. The District Education Officer, Darbhanga.
9. The District Development Commissioner cum Executive Officer, Zila Parishad, Darbhanga.
10. The District Education Officer, Jamui.
11. The District Development Commissioner cum Executive Officer, Zila Parishad, Jamui.
12. The District Programme Officer (Education), Jamui.
13. The Secretary, Human Resources Department, Government of India.
14. Santosh Kamal Son of Sri Kamal Kishore Choudhary resident of near M.S.K.P., Chandwara Banaras Bank Chowk, Police Station - Purani Bazar, District - Muzaffarpur.
15. Ravi Kumar Chaturvedi, Son of Sri Uday Haran Chaturvedi, resident of Krishna Nagar, Kolhua Paigambarpur, P.S. Ahiapur, District- Muzaffarpur
16. Rishikant, son of Late Baidnath Singh, resident of Aam Gola, Orient Club, P.S.- Kaji Mohammadpur, District- Muzaffarpur
17. Rakesh Kumar Singh, Son of Sri Ram Nath Singh, resident of Chhuna Bhatti Road, Mali Ghat, P.S. Mithanpura, District- Muzaffarpur
18. Zeba, Daughter of Md. Safi Hassan, resident of Khabra Mohalla- Chandwara, P.S.- Mithanpura, District-Muzaffarpur
19. Neeraj Kumar Singh, Son of Sri Bindeshwari Singh, resident of House No. C/178, Policy Colony, Anishabad, P.S. Gardanibagh, District-Patna
20. Deepak Kumar Singh, Son of Sri Braj Nandan Singh, resident of Chak Muhammadpur, Pragati Nagar, Bhikhanpur, P.S. Ahiapur, District- Muzaffarpur
21. Prafful Kumar, Son of Sri Kapileshwar Prasad Singh, resident of Raj Tank, Balbhadrapur, P.S. Laheriasarai, District-Darbhangha
22. Kumari Jyoti, Daughter of Dr. Gopal Singh, resident of Quarter No.301, Ganpati Residence, Saket Bihar, P.S.- Anishabad, District-Patna
23. Archana Kumari, Daughter of Sri Chandra Deo Narayan, resident of Guard Home, Aam Gola, Near Railway Gumti, P.S. Kaji Mohammadpur, District- Muzaffarpur
24. Usha Kumari, Daughter of Sri Sakal Deo Prasad, resident of Sahbajpur, P.S.



- Ahiyapur, District- Muzaffarpur.
25. Dinesh Yadav, Son of Late Gonaur Yadav, resident of Buniyadi Tola, Post Poshuwa, P.S. Riga, District-Sitamarhi
26. Kiran Kumari, Daughter of Sri Roop Narayan Prasad Singh, resident of Balughat, Raj Narayan Singh College, P.S. Mithanpura, District- Muzaffarpur
27. Deepankar Deo Paswan, Son of Late Lakendra Paswan, resident of Bhagwanpur, Near Prabhat Tara School, P.S. Sadar, District- Muzaffarpur
28. Abha Kumari, Daughter of Sri Surendra Prasad Mehta, resident of Saadpura, Pokhariya Pir, New Colony, P.S. Kaji Mohammadpur, District- Muzaffarpur
29. Nishu Kumari, Daughter of Sri Bhubneshwar Prasad Srivastava, resident of Saadpura, Pokhariya Pir, New Colony, P.S. Kaji Mohammadpur, District- Muzaffarpur
30. Manorama Kumari, Daughter of Sri Ram Niranjana Thakur, resident of Mooraita, P.S. Jale, District- Darbhanga
31. Rajesh Kumar, Son of Sri Maheshwar Singh, resident of Tinpai Tola, P.S. Athmangola, District- Patna.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate.
For the Respondent/s : Mr. A.K. Keshari, AAG-11
For the State : Mr. Arun Kumar Bhagat, AC to AAG-XII

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

Seeking exception to an order dated 17.12.2015 passed by writ court in CWJC No. 1303 of 2015, this writ application has been filed.

18 petitioners, who have filed writ petition, were appointed as Librarians. Their services were terminated by the authority concerned and the termination was brought about without following the due process of law, without notice to them and without hearing them, after they have worked for substantially long period of time. After their appointment, the writ court has held that their termination



brought without following the principle of natural justice is illegal and set aside the termination. After the order was passed by the writ court, neither the respondent State Government or the competent authority is aggrieved by the order but the petitioner who was one of the applicants, who participated in the process of appointments for the post of librarian but was not selected has filed this appeal inter alia contending that in the light of certain judgment of the Supreme Court, the qualification acquired by the respondents herein, the original writ petitions are invalid and, therefore, they could not be appointed. The present appellant was not a party in the writ petition and when the respondents herein the petitioners were appointed in the selection process in which the present appellant also participated, the present appellant did not challenge their selection by invoking the jurisdiction of any authority or court. He remained quiet and permitted them to work on the post of which they were appointed and worked for a period of more than six years and now when the High Court has directed for their reinstatement, contending that their appointment is illegal, he has invoked the jurisdiction of this court in this appeal by contending that in view of the Supreme Court Judgment, the qualification acquired by the respondents was unsustainable and, therefore, they could not be reinstated in service.

We are not at all impressed and we find that the petitioner



has deliberately filed this appeal without any just cause or reason. He was neither the petitioner in the writ petition nor did he any point of time challenge the appointment of the private respondent on the ground that was canvassed before us. Therefore, we find that he has no locus standi to challenge the order passed and the learned writ court on account of violation of principle of natural justice, has not committed any error directing for reinstatement of the respondents.

The appeal at the instance of the present appellant is not only devoid of substance, misconceived and is misuse of process of law and, therefore, we dismiss the same with a cost of Rs. 25,000/- to be paid by the appellant within a period of three months on behalf of Bihar State Legal Services Authority to be utilized for legal aid to the poor and needy.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-05-2017
Transmission Date	NA

