

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.8492 of 2016**

=====

Mithlesh Singh, Son of Sri Dina Nath Singh, Resident of Village- Sohail Sahpur,  
P.s.- Baniyapur, District- Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar Patna.
2. The Principal Secretary, General Administration, Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director (Secondary Education), Bihar, Patna
5. The Regional Deputy Director Education, Saran Division, Saran.
6. The District Magistrate, Saran.
7. The District Education Officer, Saran.
8. The District Program Officer (Secondary Education), Saran.
9. The Block Education Officer, Baniyapur, Saran.
10. The Headmaster, Yugal Singh High School, Sohail Sahpur, P.S.- Baniyapur,  
District- Saran namely Kamleshwar Singh, Son of Late Bhavnath Singh,  
Resident of Village- Sohail Sahpur, P.S.- Baniyapur, District- Saran.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the State : Mr. P. K. Verma, AAG-3  
Ms. Divya Verma, AC to AAG-3

For Respondent No.10 : Mr. Vagisha Pragya Vacaknavi, Advocate

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 21-06-2017**

Petitioner has filed this writ petition *pro bono* and has made serious allegations against respondent No.10, who is holding the post of Headmaster in the school in question, which is an aided institute and makes complaint with regard to irregularities committed by him in admission and misuse of funds etc. However, respondents have filed a detailed affidavit and from the affidavit filed by the respondent No.10



and the State Government it is seen that they have raised serious issues pertaining to *locus standi* of the petitioner and with regard to intention of the petitioner in filing of the writ petition. It is pointed out that earlier similar allegations were made by the petitioner's brother Uttam Narayan Singh in CWJC No.3522 of 2013. Identical prayer made was rejected and in the order passed on 06.03.2013, the following observations were made:

“There is no relationship of employer and employee between the respondent nos.1 to 7 vis-à-vis respondent no.8 and, therefore, if the petitioner any grievance with regard to misappropriation or embezzlement of the government fund by respondent no.8 in capacity of Headmaster of a private aided school, his remedy will be somewhere else and not by writ application.”

It is stated that in view of the above, now for the same kind of relief, action is not called for. That apart, the State Government has filed a detailed reply which goes to show that certain enquiry and investigations have been conducted and charge-sheet have already been filed in the criminal case and with regard to certain allegations, the police having investigated have filed a closure report.

Taking note of totality of the facts and circumstances of the case and the materials that have come on record, we are not inclined to interfere in this public interest litigation at the instance of the petitioner primarily on account of the fact that on 06.03.2013 somewhat similar prayer made at the instance of the petitioner's brother has already been



rejected by a bench of this Court. That apart, once the police is seized of the matter and action has already been taken, we are not inclined to go into the various aspects of the matter. The writ petition is, accordingly, disposed of.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

Sunil/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 24.06.2017 |
| Transmission Date |            |

