

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2829 of 2016

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Upendar Paswan, son of late Bhuni Manjhi, resident of village North Parsagarhi,
P.O.- Parsagarhi, P.S.- Jadia, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Kosi Division, Saharsa.
2. The Commissioner, Kosi Division, Saharsa.
3. The R.D.D. of Education, Saharsa.
4. The Collector-cu-D.M. Supaul.
5. The District Education Officer, Supaul.
6. The Public Information Officer-cum- Block Education Officer Triveniganj,
P.O.-Triveniganj, District-Supaul.
7. The Panchayat Secretary, namely Pramod Kumar Paswa, Gram Panchyat Jadia.
8. Member Panchayat Samiti namely Kanchan Chuahdary, Gram Panchayat, Jadia.
9. Ward Councillor namely Md. Saddam, Gram Panchayat Jadia.
10. Mukhiya Village-Jadia namely Rehana Khatoon.
11. The Incharge Head Master, Middle School Parsagarhi, namely Sri Vijendar
Ram.
12. Sulekha Kumar, D/o Deo Narayan Ram, Panchayat Teacher, Primary School,
Ram Rishideo Tola- Jadia, Gram Panchayat, Block-Triveniganj, District-
Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Md. Najmul Bari, Advocate
For the Respondent/s : Mr. Partha Sarthi, G.A.-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-06-2017

Two fold grievance is raised in this public interest
litigation. One pertains to forcibly taking over the charge of



Headmaster ignoring the claim of senior persons and the second pertains to financial embezzlement.

As far as first claim pertaining to taking over charge of Headmaster ignoring the seniority of the senior persons are concerned, this is purely a service dispute and the aggrieved persons, who are adversely affected by this action, have to ventilate their grievance. For a dispute pertaining to service matter, a public interest litigation is not maintainable as held by the Supreme Court in the case of **Bholanath Mukerjee & Ors. Versus. Ramakrishna Mission Vivekananda Centenary College & Ors. [(2011) 5 SCC 464]** and recently by the Delhi High Court in the case of **(Forum of SC and ST Legislators and Parliamentarians versus Oil and Natural Gas Corporation Ltd. & Anrs. [W.P.(C) 1698/2017]** decided on 27.02.2017.

As far as the embezzlement in question is concerned, the petitioner's own showing indicates that a complaint case has been filed before the Court of Judicial Magistrate, Ist Class, Supaul under Sections 166, 167, 409 & 420 of the Indian Penal Code and as the matter is already sub-judice before the Court of Criminal Jurisdiction, public interest litigation is not maintainable.

Accordingly, granting liberty to the aggrieved persons, who have any grievance with regard to seniority, to ventilate their grievance separately, this petition stands disposed of and liberty is



available to the petitioner to prosecute the criminal complaint lodged by him.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

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

