

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3145 of 2018

Md. Ziaullah Son of Ali Hassan, Resident of Village- Betha, P.S.- Bela, District Sitamarhi, at present president of Madrasa Ziyaul Uloom Madrasa no. 609/205 at Betha P.S.- Beha Parihar Block District- Sitamarhi.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Education Department, Government of Bihar, Patna
2. The Joint Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar State Madrasa Education Board Vidyapatti Marg Patna through the Secretary.
4. The Chairman Bihar State Madarsa Education Board, Bidyapati Marg, Patna, Bihar.
5. The District Magistrate District Sitamarhi.
6. The District Education Officer, District Sitamarhi.
7. The District Programme Officer (Establishment) District Sitamarhi.
8. The B.E.D./Area Officer Panchayati Post Betaha Police Station Bela Block Parihar District- Sitamarhi
9. Md. Badiuzzama, Son of Late Mutiud Haque, Resident of Village- Betaha Panchayat Betaha Police Station Bela District- Sitamarhi.
10. Md. Qumruzzama, Son of Late Motiul Haque @ Motibul Maqu llage Post Panchayat Betaha P.S.- Bela District- Sitamarhi.
11. Md. Somi Haidar, Son of Abdul Gani, Resident of Village- Post Betaha, P.S.- Bela, District- Sitamarhi.
12. Nazir Ahmad, Son of Md. Yakub, Resident of Village- Sakki Mashania, Via- Paraha District- Sitamarhi.
13. Md. Afsar Ali, Son of Abdul Haban, Resident of Village- Taurk Begha, District- Rohtas.
14. Md. Sanaullaha, Son of Md. Daud, Resident of Village- Bara Post Lahariya, District- Sitamarhi.
15. Md. Wakil, Son of Ali Imam, Resident of Village- Bataha, Via- Parihar, District- Sitamarhi.
16. Md. Sharfuddin, Son of Md. Bashruddin, Resident of Village Post Betaha Via Parihar District Sitamarhi.
17. Md. Ashfakk Alam, Son of Md. Mobus, Resident of Village Post Betaha Via Parihar District Sitamarhi.
18. Md. Neyaz, Son of Md. Ayub, Resident of Village- Emharna Post Parihar District Sitamarhi.
19. Md. Naked Defar, Son of Md. Mashehuddin, Resident of Village- Betaha Via Parihar District Sitamarhi.
20. Md. Masibuzzauma, Son of Md. Qummazzama, Resident of Village and



Post Betha, P.S.- Parihar District- Sitamarhi.

21. Md. Abrar Anwar, Son of Md. Isharab Haque, Resident of Village Parihar Sitamarhi.
22. Md. Masaluddin, Son of Md. Bashiruddin, Resident of Village and Post Bela Via Parihar District Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.
For the Respondent/s : Mr. Md. Rashid Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-06-2019

Heard the parties.

A challenge to the appointment on its merits as well as on the eligibility of respondents no. 12 to 22 to the post of Teachers, is the subject matter to this Public Interest Litigation.

We are of the considered opinion that the Public Interest Litigation of the present kind is not maintainable because:

(a) being a service matter, in case the petitioner has any grievance on the eligibility of the private respondents, it has to be questioned before the appropriate forum in a duly constituted writ petition; and

(b) until such time that the appointment of the private respondents is interfered with by a competent forum, no order can be passed for stoppage of salary.



Option is for the petitioner to take proper legal recourse
but such service matters cannot be a subject matter of a Public
Interest Litigation.

The writ petition is disposed of.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2019
Transmission Date	NA

