

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6446 of 2024

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Sarvjeet Kumar Singh Son of Sheo Shankar Singh Resident of Village-
Barnaw, P.S.- Ayer, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Patna.
3. The District Magistrate, Bhojpur.
4. The Superintendent of Police, Bhojpur.
5. The Circle Officer, Jagdishpur, Bhojpur.
6. The Station House Officer, Police Station, Ayer, Bhojpur.
7. Rameshwar Prasad Singh, Son of Gaya Prasad Singh Resident of Village-
Bar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 19-04-2024

The matter has been placed under the heading ‘For
Orders (On Office Notes)’ for removal of the defects.

2. Despite repeated calls, none appeared on behalf of
the petitioner. The learned Government Advocate is present.

3. After going through the averments made in the writ
petition, this Court finds that the petitioner is claiming himself
to be a social worker and public-spirited person allegedly
challenging the cause of loss of revenue of the State



Government on account of continuation of respondent no. 7 in service despite attaining the age of superannuation as per his original date of birth.

4. The petitioner by filing the writ petition by way of a Public Interest Litigation seeks a direction upon the respondents to enquire into the original date of birth of respondent no. 7, as per the report of the Vigilance Officer, Bihar School Examination Board and also seeks a direction to take appropriate legal action against respondent no. 7.

5. For redressal of the grievance, the petitioner averred that earlier he had filed CWJC No. 11784 of 2018 which writ petition stood disposed of with liberty to the petitioner to take recourse to such alternative remedies as are otherwise available in law before the appropriate forum, copy of the order is marked as Anneuxre-4 to the writ petition.

6. The petitioner after having alleged non-compliance of the order of this Court in CWJC No. 11784 of 2018 filed a contempt petition being MJC No. 1228 of 2021. The learned Division Bench having found delay in compliance of the order of this Court has imposed a cost of Rs.1,00,000/- and finally the contempt petition stands disposed of *vide* order dated 30.08.2023. The orders passed in the contempt matter have also



been brought on record.

7. All these aforesaid facts did not quench the thrust of the petitioner and again he filed the present writ petition by way of Public Interest Litigation for the reliefs prayed for as noted hereinabove.

8. From the materials available on record and the averment made in the writ petition, it appears that the present Public Interest Litigation is nothing but intended to unleash a private vendetta. The petitioner does not bring forth the order passed in the representation made, which led to the closure of the contempt case; though with costs for the delay occurred. The Apex Court in the case of *Neetu Vs. State of Punjab* reported in **(2007) 10 SCC 614** has been pleased to observe that when a particular person is the object and target of a petition styled as PIL, the court has to be careful to see whether the attack in the guise of public interest is really intended to unleash private vendetta, personal grouse or some other *mala fide* object. In such circumstances, the writ petition should not be entertained. Public Interest Litigation is not maintainable to probe or enquire into the matter in relation to genuineness of appointment of a person or even continuance in service. The case in hand discloses that earlier the petitioner had already filed a writ



petition for ventilating his grievance and also invoked the contempt jurisdiction of this Court. The result of the same is not produced before us.

9. In the aforesaid premise, this Court finds the present writ petition is nothing but a sheer misuse of Public Interest Litigation. Accordingly, the present writ petition stands dismissed with a caution to the petitioner that if in future he be found indulged in misuse of the extraordinary jurisdiction of Public Interest Litigation, appropriate action would be taken against him.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.04.2024
Transmission Date	

