

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3645 of 2026**

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Satish Kumar son of Tripurari Chaudhary, Resident of village- Amritpur, Post office- Amritpur, Police Station-Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Finance Government of Bihar, Patna.
4. The Director, Secondary Education, Department of Education, Government of Bihar, Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Advocate  
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

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

2      18-03-2026                      Heard learned Advocate for the petitioner and the  
  
learned Advocate for the respondents.

2. The petitioner has filed the present public interest  
  
litigation seeking the following reliefs :-

*“(i) For the issuance of an appropriate writ/writs in nature of mandamus to set aside the Standard Operating Procedure for Salary Protection and Salary Payment of*



*Special Teachers issued by the Director Secondary Education, Department of Education, Government of Bihar, Patna contained in Memo No. 2999 dated 14-10-2025 which is contrary to the law laid down under Rule 8.1 of the Bihar School Exclusive Teacher Rules, 2023 read with Rule 14 (vii) of the "Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2020" further direction to respondent authority to adhere with the principles of reasonableness, fairness, in connection with accountability and transparency implementation and enforcement of law laid down in Bihar School Exclusive Teacher Rules, 2023 and the Bihar Panchayat Elementary School Service Rule, 2020.*

*(ii) And for any other reliefs/reliefs for which the petitioner is found to be entitled under the provision of law involved in the present case."*

3. Before parting with the case, it would be pertinent to notice that the Hon'ble Supreme Court in the case of ***Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra & Ors., reported in (2013) 4 Supreme Court cases 465*** has been pleased to hold as follows:-

*"14. This Court has consistently*



*cautioned the courts against entertaining public interest litigation filed by unscrupulous persons, as such meddlers do not hesitate to abuse the process of court. The right of effective access to justice, which has emerged with the new social rights regime, must be used to serve basic human rights, which purport to guarantee legal rights and, therefore, a workable remedy within the framework of the judicial system must be provided. Whenever any public interest is invoked, the court must examine the case to ensure that there is in fact, genuine public interest involved. The court must maintain strict vigilance to ensure that there is no abuse of the process of court and that, “ordinarily meddlesome bystanders are not granted a visa”. Many societal pollutants create new problems of non-redressed grievances, and the court should make an earnest endeavour to take up those cases, where the subjective purpose of the lis justifies the need for it. (Vide P.S.R. Sadhanantham v. Arunachalam [(1980) 3 SCC 141 : 1980 SCC (Cri) 649 : AIR 1980 SC 856] , Dalip Singh v. State of U.P. [(2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324] , State of Uttaranchal v. Balwant Singh Chaufal [(2010) 3 SCC 402 : (2010) 2 SCC (Cri) 81 : (2010) 1 SCC (L&S) 807] and Amar Singh v. Union of India [(2011) 7 SCC 69 : (2011) 3 SCC (Civ) 560] .)*

**15.** *Even as regards the filing of a public interest litigation, this Court has consistently held that such a course of action is not permissible so far as service matters are concerned. (Vide Duryodhan*



*Sahu v. Jitendra Kumar Mishra [(1998) 7 SCC 273 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] , Dattaraj Nathuji Thaware v. State of Maharashtra [(2005) 1 SCC 590 : AIR 2005 SC 540] and Neetu v. State of Punjab [(2007) 10 SCC 614 : AIR 2007 SC 758] .)”*

Summarizing the law on the said point, the Hon’ble Court in the *Ayaaubkhan Noorkhan Pathan (supra)* has held that a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be directed to intervene in the affairs of others.

4. It would also be useful to refer a decision rendered in the case of *Ghulam Qadir -Vrs.- Special Tribunal reported in (2002) 1 Supreme Court Cases 33*, where the Hon’ble Supreme Court in no uncertain term ruled that:

*“38....the rights under Article 226 of the Constitution of India can be enforced only by an aggrieved person except in the case where the writ prayed for is for habeas corpus or quo warranto. Another exception in the general rule is the filing of a writ petition in public interest. The existence of the legal right of the petitioner which is alleged to have been violated is the foundation for invoking the jurisdiction of the High*



*Court under the aforesaid article....”*

5. In view of the afore-noted settled legal position and considering the nature of the grievance, we do not find that there is any public element involved in this matter.

Accordingly, the public interest litigation stands dismissed.

**(Sangam Kumar Sahoo, CJ)**

**(Harish Kumar, J)**

supratim/-

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