

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3641 of 2026

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Anil Kumar Son of Awadh Bihari Lal, Resident of Krishi Nagar, Ashiana
Nagar, P.S. - Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Chancellor, University of Bihar, Raj Bhawan, Patna.
4. The Vice Chancellor, Bihar Agriculture University, Sabour, District- Bhagalpur.
5. The Officer-in-Charge (Recruitment), Recruitment Cell, Bihar Agriculture University, Sabour, District- Bhagalpur.
6. The Registrar, Bihar Agriculture University, Sabour, District- Bhagalpur.
7. The Director Administration, Bihar Agriculture University, Sabour, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rikesh Sinha, Advocate Mr. Rakesh Kumar, Advocate
For the Respondent/s	:	Mr. Shailendra Kumar Singh, Advocate
For the Respondent No. 4 to 7	:	Mr. Sri Ram Krishna, Advocate
For the Chancellor	:	Mr. Amish Kumar, Advocate

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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 the learned Advocate for the petitioner and the

learned Advocate for the respondents.

2. The instant public interest litigation has been filed

for the following reliefs:-

*“(i) To cancel the appointment of
administrative officer, Director works*



and Plant, Assistant Registrar and Section Officer which is done by Bihar Agriculture University, Sabour, Bhagalpur despite of stay in appointment by Bihar Government vide letter No. 4/कृ.पि.को.-21/2019 – 3346/कृ., पटना दिनांक 13.8.2024.

(ii) For direction of proper investigation of irregularity done in appointment of administrative officer, Director works and Plant, Assistant Registrar and Section Officer by Bihar Agriculture University, Sabour, Bhagalpur and to stop the further appointment immediately.

(iii) and/or any other relief your lordships may deem fit and proper.”

3. Having considered the reliefs prayed for by the petitioner, it would be pertinent to observe that no public interest litigation is maintainable, rather it is purely a service matter. If the petitioner has any grievance with regard to the appointment of the respondent no. 7, the petitioner has appropriate remedy available under the appropriate forum/Court, if he falls under the definition of aggrieved persons.

4. It would also be worth 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. The Hon'ble Supreme Court in the case of ***Ayaaubkhan Noorkhan Pathan -Vrs.- 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] .)

emphasis supplied

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.

6. In view of the afore-noted settled legal position and 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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