

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4101 of 2026

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Lalan Kumar Baudh So Ram Bilash Ram, R/o village- Dudhaila, P.O. and
P.S- Jamhor, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Higher Education Government of Bihar, Patna.
2. The Principal Secretary to H.E. the Chancellor, Governor's Secretariat, Bihar, Raj Bhawan, Patna.
3. The Vice Chancellor, Veer Kunwar Singh University, Bhojpur at Ara.
4. The Pro Vice Chancellor, Veer Kunwar Singh University, Bhojpur at Ara.
5. The Registrar, Veer Kunwar Singh University. Bhojpur at Ara.
6. The Finance Officer, Veer Kunwar Singh University, Bhojpur at Ara
7. The Accountant General, Beer Chand Patel Marg. Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Archana Sinha, Sr. Adv. Ms. Swarna Roy, Adv.
For the State	:	Mr. Vikash Kumar, AC to AG
For the Res. Nos. 3-6	:	Mr. Rajesh Prasad Choudhary, Adv.
For the Accountant General	:	Mr. Arun Kumar Arun, Adv.
For the Chancellor	:	Mr. R K Giri, Adv. Mr. Amish Kumar, Adv.

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

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

3 01-05-2026 Learned Counsel for the respective parties are present.

2. The petitioner, claiming himself as R.T.I. activist
has invoked the jurisdiction of this Court by filing the writ
petition by way of public interest litigation seeking following
reliefs:-



“I) For issuance of proper writ and direction/ order in public interest litigation / (PIL) to initiate illegal action against the Vice Chancellor of Veer Kunwar Singh University and on other respondents for defalcation of money in the university and its recognized colleges including P.M.G., Ara and G.N.M. College, Parsathua.

II) For setting aside the illegal extension granted to the present Vice Chancellor of Veer Kunwar Singh University against the statute and law by the chancellor.”

3. Ms. Archana Sinha, learned Senior Counsel has submitted that the respondent no. 3, the Vice Chancellor, Veer Kunwar Singh University, has completed his tenure of three years, but he was given extension by the office of Chancellor beyond the act and law till the appointment of new Vice Chancellor. Besides the aforesaid submission, it is further contended that the officers of the University, including the respondent no. 3 are indulged in financial irregularities by adopting unfair modes and manners.

4. After having carefully heard the learned Senior Counsel and the learned Counsel for the respondents, in opposition of the aforesaid submissions, *prima facie*, this Court finds that the entire case of the petitioner is based upon alleged



unauthorized continuation of service of respondent no. 3, however, with utter surprise he has not been made party respondent by his name.

5. It is needless to observe here, that if any challenge is made to an individual's right to hold a public office, on account of having lack of eligibility to hold such post, the remedy of writ of *quo warranto* is already available under the Constitution of India.

6. Even as regards the filing of a public interest litigation, the Hon'ble Supreme Court has time and again cautioned that such a course of action is not permissible so far as service matters are concerned. Vide ***Dr. Duryodhan Sahu & Ors. -Vrs.- Jitendra Kumar Mishra & Ors., (1998) 7 Supreme Court Cases 273, Dattaraj Nathuji Thaware -Vrs.- State of Maharashtra & Ors., (2005) 1 Supreme Court Cases 590 and Neetu -Vrs.- State of Punjab & Ors., (2007) 10 Supreme Court Cases 614.***

7. Further in the case of ***Ayaaubkhan Noorkhan Pathan -Vrs.- State of Maharashtra & Ors., (2013) 4 Supreme Court Cases 465***, the Hon'ble Supreme Court reiterating the aforementioned legal position has held that public interest litigation should not be entertained in service matter.



8. Moreover, the petitioner is not remedy-less, if he has material evidence that persons are engaged in financial irregularities, he may take recourse available under the law. If any issue, containing serious allegation and imputation, is levelled, which requires proper in-depth enquiry and investigation, normally the writ petition by way of public interest litigation should not be entertained.

9. Considering the aforesaid facts and the position obtaining in law, we do not find any merit in the present public interest litigation. Accordingly, the same stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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