

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10973 of 2025

Sanjay Kumar Singh S/o Kapaleshwar Prasad Singh, Resident of Ward No. 25, Batraha, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Municipal Corporation, through its Municipal Commissioner, Saharsa.
5. The Municipal Commissioner, Municipal Corporation, Saharsa.
6. The District Compassionate Appointment Committee, Saharsa.
7. Rajan Kumar S/o Megham Baitha, R/o Village- Not Known, P.S.- Not Known, District- Not Known, at present- Tax Daroga, Municipal Corporation, Saharsa.
8. Santosh Kumar S/o Dashrath Sah, R/o Village- Not Known, P.S.- Not Known, District- Not Known, at present- Najir, Municipal Corporation, Saharsa.
9. Neeraj Kumar Verma S/o Hariskrishna Das, R/o Village- Not Known, P.S.- Not Known, District- Not Known, at present- Senior Clerk, Municipal Corporation, Saharsa.
10. Shekhar Kumar Shukla Son of not known, R/o Village- Not Known, P.S.- Not Known, District- Not Known, at present- Principal Assistant, Municipal Corporation, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Samir Kumar, Adv.
For the Respondent/s	:	Mr. Advocate General
For the Nagar Nigam, Saharsa	:	Mr. Sanjeev Kumar, Advocate
		Mr. Pravashankar Mishra, Advocate
		Mr. Navneet Dubey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-02-2026

The writ petition has been filed by Sanjay Kumar

Singh seeking for following reliefs :-



“i. For issuance of writ/writs, order/orders in the nature of mandamus for setting up impartial three- member committee to conduct a detailed enquiry with regard to the illegal appointments being conducted in the Saharsa Municipal Corporation (Respondent no.4).

ii. For issuance of writ/writs, order/orders in the nature of mandamus directing the authorities to consider the representation filed by the petitioner and initiate appropriate action against persons who have illegally appointed in the Saharsa Municipal Corporation including the private Respondents.

iii. For issuance of writ/writs, order/orders in the nature of mandamus directing the respondent authority to take action against the erring authorities who have appointed private respondents wrongly.

iv. Any other relief which the applicant may deemed to be found entitled in the facts and circumstances of the case.”

2. A counter affidavit, dated 17.09.2025, has been filed on behalf of respondent nos. 4 and 5 by one Prabhat Kumar Jha, Executive Officer, Saharsa Nagar Nigam wherein in paragraph nos. 6, 7 and 8 it has been stated as follows:-

“6. That it is humbly submitted that the Hon'ble Supreme Court in case of Duryodhan Sahu (Dr.) v/s Jitendra Kumar Mishra held that in service matters Public Interest Litigation should not be entertained. Therefore, on this ground alone whether the



regular appointments or irregular appointments are made, may kindly not be looked into in such Public Interest Litigation.

7. That the locus of the petitioner is not clear, as the petitioner has not disclosed regarding his credentials as Public spirited person. The petitioner has merely averred in paragraph no.3 of the writ petition that the petitioner is socially motivated person who is interested in social development of the nation which is not consonance with the concept of Public Interest Litigation.

8. That the petitioner has efficacious remedy of redressal of grievances. Hence, in the light of above, the present Public Interest Litigation is fit to be dismissed.”

3. A supplementary counter affidavit, dated 16.10.2025, has been filed on behalf of respondent nos. 4 and 5 by Prabhat Kumar Jha, Executive Officer, Saharsa Nagar Nigam wherein in paragraph nos. 7 to 18 it has been stated as follows:-

“7. That the departmental committee had also enquired the matter and submitted report dated 19.08.2016 i.e. annexure -P/2. The Department communicated the said report vide letter no.6331 dated 15.09.2016. The name of respondent no.09 Neeraj Kumar Verma or his late father Hare Krishan Lal Das has not been mentioned in the said report. The petitioner has wrongly raised objection against Hara Krishan Lal Das after 26 years of death.



8. That Santosh Kumar has been appointed on 11.01.2002 on compassionate ground on the post of clerk against sanctioned and vacant post death of his father. The father of the petitioner namely Dashrath Sah was working as clerk against the sanctioned post. The departmental committee enquired the matter and submitted report date 19.08.2016 i.e. annexure-P/2 in which the name of Santosh Kumar has been mentioned in serial no.02. The said committee mentioned that the special officer, municipality, Saharsa appointed under vested power in the light of letter no.3137 dated 10.11.1993 to him due to dissolve of body. Santosh Kumar is working on the said post. Appointment of Santosh Kumar was found correct, hence, his name was not mentioned in the list of terminated person, the petitioner has wrongly stated that Santosh Kumar was appointment on the post of Nazir. There is no provision for appointment of Nazir directly.

9. That as regards statement made in paragraph no.1 of the writ petition, it is humbly stated and submitted that regarding the petitioner is not entitled to get any relief as prayed for in the light facts mentioned in above brief history and also facts mentioned below under reply.

10. That as regards statement made in paragraph no.2 of the writ petition, it is humbly stated and submitted that regarding the petitioner questions raised by the petitioner is not tenable in the light facts mentioned in above brief history and also facts mentioned



below under reply.

11. That as regards statement made in paragraph no.3 of the writ petition, it is humbly stated and submitted that regarding the petitioner has submitted by way of submission.

12. That as regards statement made in paragraph no.4 of the writ petition, it is humbly stated and submitted that regarding the petitioner Statement of the petitioner regarding filing of CWJC no.384/2016 by him and passing of judgment dated 27.09.2016 i.e. annexure-P/1 and also has narrated its contents though the then Executive Officer, Nagar Parishad, Saharsa complied the direction of the Hon'ble Court by which contractual appointment of 52 persons was terminated from 31.12.2016 vide letter no.2267 dated 28.12.2016 i.e. annexure-P/3.

13. That as regards statement made in paragraph no.5 of the writ petition, it is humbly stated and submitted that regarding the petitioner regarding submission of enquiry report dated 15.09.2016 i.e. annexure-P/2 by the Assistant Director UDHD in which 61 persons found working in Nagar Parishad, Saharsa hence does not require comment.

14. That as regards statement made in paragraph no.6 of the writ petition, it is humbly stated and submitted that regarding the petitioner regarding issuing of letter no.2267 dated 28.12.2016 i.e. annexure-P/3 by the then Executive Officer. Nagar Parishad, Saharsa by which contractual appointment of 52 persons



was terminated from 30.12. 2016, hence does not required comment. Fact and annexure-P/4 is matter of record of concerned office.

15. That as regards statement made in paragraph no.7 of the writ petition, it is humbly stated and submitted that regarding the petitioner regarding giving reply to his RTI application about the meeting dated 20.07.2023 i.e. annexure-P/3 series by which compensate committee recommended the name of Ranjan Kumar for appointment though the annexure-P/3 series is matter of record of concerned office.

16. That as regards statement made in paragraph no.8 of the writ petition, it is humbly stated and submitted that regarding the petitioner regarding appointment of father namely late Megham Baitha of respondent no.7 Ranjan Kumar was found to be wrong in the light of CWIC no. 384/2016 is not correct because Megham Baitha was not working on contractual basis. The departmental committee enquired the matter and submitted report dated 19.08.2016 i.e. annexure-P/2 in which the name of Magham Baitha has been mentioned in serial no.16. The said committee mentioned that his name was come from employment exchange against the vacant post of ward Jamadar. After conducting written and oral examination on 30.04.1990 and on the basis of marks obtained, appointment of Megham Baitha was done vide order no.437 dated 20.07.1990 after death of petitioner's father namely late Megham Baitha,



Ranjan Kumar applied for his compassionate appointment. The office of Nagar Parishad, Saharsa sent the application to the district compassionate committee, Saharsa. The district compassionate committee, Saharsa recommended the name of respondent no.07 Ranjan Kumar vide memo no. 838 dated 20.07.2022 i.e. annexure-P/3 at page nos.32 to 35. After receiving of said recommendation, the office issued appointment letter against sanctioned post to respondent no.07 Ranjan Kumar and is working vide letter of Municipal Commissioner, Saharsa vide Memo no.1742 dated 08.11.2023.

17. That as regards statement made in paragraph no.9 of the writ petition, it is humbly stated and submitted that regarding the petitioner against the appointment of Santosh Kumar is not correct Santosh Kumar has been appointed on 11.01.2002 on compassionate ground on the post of clerk against sanctioned and vacant post after death of his father. The father of the petitioner namely Dashrath Sah was working as clerk against the sanctioned post, the departmental committee enquired the matter and submitted report dated 19.08.2016 i.e. annexure-P/2 in which the name of Santosh Kumar has been mentioned in serial no.02. The said committee mentioned that the special officer, municipality, Saharsa appointed under vested power in the light of letter no. 3137 dated 10.11.1993 to him due to dissolve of body. Santosh Kumar is working on



the said post. The petitioner has wrongly stated that Santosh Kumar was appointed on the post of Nazir. There is no provision for appointment of Nazir directly.

18. That as regards statement made in paragraph no.10 of the writ petition, it is humbly stated and submitted that regarding the petitioner appointment of father namely late hare Krishna Lal das of respondent no.09 Neeraj Kumar Verma was found to be wrong in the light of CWJC no. 384/2016 is not correct because Hare Krishna Lal das was not working on contractual basis. Late Hare Krishna Lal das working on the post of accountant against the sanctioned post and died on 31.03.1999 during service period. The departmental committee enquired the matter and submitted report dated 19.08.2016 i.e. annexure-P/2 in which the name of Hare Krishna Lal Das or his Son Neeraj Kumar Verma has not been mentioned due to not found any irregularities in appointment of late Hare Krishna Lal das or of respondent no.09 Neeraj Kumar Verma. The petitioner has wrongly raised objection against Hare Krishna Lal Das after 26 years of death. After death of late Hare Krishna Lal Das, respondent no.09 Neeraj Kumar Verma has been appointed vide letter no.234 dated 18.05.1999 on the post of clerk against sanctioned and vacant post and since then is working. The district compassionate committee, Saharsa also approved the same.”

4. Learned counsel appearing for the respondent nos.



4 and 5 has argued that the prayer is vague and in view of the settled position of law as enunciated in the case of ***R & M Trust vs. Koramangala Residents Vigilance Group & Ors.***, reported in ***(2005) 3 SCC 91***, this type of case cannot be entertained as Public Interest Litigation as it relates to service matter.

In the said case in paragraph no. 23 and 24 it is stated as follows:-

“ 23. Next question is whether such public interest litigation should at all be entertained and laches thereon. This sacrosanct jurisdiction of public interest litigation should be invoked very sparingly and in favour of vigilant litigant and not for the persons who invoke this jurisdiction for the sake of publicity or for the purpose of serving their private ends.

24. Public interest litigation is no doubt a very useful handle for redressing the grievances of the people but unfortunately lately it has been abused by some interested persons and it has brought a very bad name. Courts should be very very slow in entertaining petitions involving public interest: in very rare cases where the public at large stand to suffer. This jurisdiction is meant for the purpose of coming to the rescue of the downtrodden and not for the purpose of serving private ends. It has now become common for unscrupulous people to serve their private ends and jeopardise the rights of innocent people so as to wreak vengeance for their personal ends. This has become very handy to the developers and in matters of public contracts. In order to serve their professional rivalry they utilise the service of the innocent



people or organisation in filing public interest litigation. The courts are sometimes persuaded to issue certain directions without understanding the implications and giving a handle in the hands of the authorities to misuse it. Therefore, the courts should not exercise this jurisdiction lightly but should exercise in very rare and few cases involving public interest of a large number of people who cannot afford litigation and are made to suffer at the hands of the authorities. The parameters have already been laid down in a decision of this Court in the case of Balco Employees' Union (Regd.) v. Union of India [(2002) 2 SCC 333] wherein this Court has issued guidelines as to what kind of public interest litigation should be entertained and all the previous cases were reviewed by this Court. It was observed as under: (SCC pp. 376-77, paras 77-80)

“77. Public interest litigation, or PIL as it is more commonly known, entered the Indian judicial process in 1970. It will not be incorrect to say that it is primarily the judges who have innovated this type of litigation as there was a dire need for it. At that stage, it was intended to vindicate public interest where fundamental and other rights of the people who were poor, ignorant or in socially or economically disadvantageous position and were unable to seek legal redress were required to be espoused. PIL was not meant to be adversarial in nature and was to be a cooperative and collaborative effort of the parties and the court so as to secure justice for the poor and the weaker sections of the community who were not in a position to protect their own interests. Public interest litigation was intended to mean nothing more than



what words themselves said viz. 'litigation in the interest of the public'.

78. While PIL initially was invoked mostly in cases connected with the relief to the people and the weaker sections of the society and in areas where there was violation of human rights under Article 21, but with the passage of time, petitions have been entertained in other spheres, Prof. S.B. Sathe has summarised the extent of the jurisdiction which has now been exercised in the following words:

'PIL may, therefore, be described as satisfying one or more of the following parameters. These are not exclusive but merely descriptive:

— Where the concerns underlying a petition are not individualist but are shared widely by a large number of people (bonded labour, undertrial prisoners, prison inmates).

— Where the affected persons belong to the disadvantaged sections of society (women, children, bonded labour, unorganised labour etc.).

— Where judicial law-making is necessary to avoid exploitation (inter-country adoption, the education of the children of prostitutes).

— Where judicial intervention is necessary for the protection of the sanctity of democratic institutions (independence of the judiciary, existence of grievances redressal forums).

— Where administrative decisions related to development Court and all we need to do is to recapitulate and re-



emphasise the same.” are harmful to the environment and jeopardise people's right to natural resources such as air or water.’

79. There is, in recent years, a feeling which is not without any foundation that public interest litigation is now tending to become publicity interest litigation or private interest litigation and has a tendency to be counterproductive.

80. PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and was a procedure which was innovated where a public-spirited person files a petition in effect on behalf of such persons who on account of poverty, helplessness or economic and social disabilities could not approach the court for relief. There have been in recent times, increasingly instances of abuse of PIL. Therefore, there is a need to re-emphasise the parameters within which PIL can be resorted to by a petitioner and entertained by the court. This aspect has come up for consideration before this Court and all we need to do is to recapitulate and re-emphasise the same.”

5. Learned counsel for the respondents nos. 4 and 5 further submits that the petitioner is in habit of filing such type of petition earlier also and in one of the case like Civil Writ Jurisdiction Case No. 15279 of 2024, exemplary cost of rupees fifteen thousand has been imposed on him. He produced the copy of the order dated 04.10.2024 passed in the aforesaid C.W.J.C. No. 15279 of 2024 which is taken on record.



6. The law is well settled that Public Interest Litigation is to address violation of public rights, human rights and governance. Careful scrutiny is to be made to prevent frivolous filing and judicial activity is to be balanced with constitutional separation of powers. Public Interest Litigation is not a publicity interest litigation, personal interest litigation or political interest litigation. Core idea of the Public Interest Litigation is to provide a voice for the voiceless and ensure violation of the constitutional or legal rights of the marginalized do not go unaddressed but it requires to work with great care and circumspection. It is consistently held by the Hon'ble Supreme Court that in the service jurisprudence, no public interest litigation can be entertained. In the case of ***Ayaubkhan Noorkhan Pathan – Vs. -State of Maharashtra and Others*** reported in ***(2013) 4 SCC 465***, the Hon'ble Supreme Court held 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] .)”

7. In view of the well settled position of law and taking into account the nature of prayer made in this writ petition and as it relates to service matter, we are of the view that it is not only a frivolous litigation but not maintainable. We were contemplating to impose heavy exemplary cost on the petitioner, however, we expect that the petitioner to be careful



and shall not indulge in such activities in future.

8. Accordingly, the writ petition is disposed off.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2026
Transmission Date	NA

