

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8978 of 2025

Ravindra Prasad S/o Late Baidynath Prasad Sah, R/o Village- Patahi Hari,
P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
2. The Director, Secondary Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Deputy Director, Secondary Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Respondent/s : Mr. Government Pleader 12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

(i) For issuance of an appropriate writ in the nature of certiorari for quashing of the office order dated 12.07.2022 passed by the Director, Secondary Education, Bihar, Patna brought into the notice of the petitioner through the show cause filed in MJC No. 569/2022 received on 03.03.2025 whereby the petitioner, came to know that the claim of the petitioner has been rejected for reinstatement on the post of clerk.

(ii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.



3. Learned counsel for the petitioner submits that the petitioner has moved before this Court in light of the liberty granted by this Court vide order dated 05.12.2018 passed in CWJC No. 17322 of 2016 (Annexure-P/12) and thereafter moved before this Court in an MJC, wherein the order passed therein has been challenged in the present writ petition. Counsel further submits that his representation has been disposed of negatively and the guidelines laid down in the *Binay Kumar Singh and Anr. v. The State of Bihar & Ors.* (CWJC No. 2930 of 2009) case have not been considered.

4. Learned counsel for the State, on the other hand, submits that MJC No. 1677 of 2019 in CWJC No. 17322 of 2016, which is impugned herein, has duly considered all the facts and circumstances. The petitioner has approached this Court for the fifth time. Earlier, he had filed CWJC No. 2075 of 2011, which was decided on merits and dismissed. Subsequently, he obtained an order for filing a representation, which, according to the State, does not create any right in his favour to maintain the present writ petition.

5. After hearing the parties, it transpires to this Court that the petitioner has approached this Court on multiple occasions in relation to the same issue, which is as follows:-



- i. CWJC No. 8784 of 2002
- ii. CWJC NO. 2075 of 2011
- iii. CWJC No. 7810 of 2013
- iv. CWJC No. 17322 of 2016

6. It further transpires to this Court that in CWJC No. 2075 of 2011, order has been passed on merits which is as follows:-

“2. We have perused the materials on record and considered the submissions of learned counsel for the parties. It appears that one Baidyanath Prasad Sah was a permanent class III employee. He was on earned leave for a period of three months towards the end of 1990 and the beginning of 1991. The petitioner was appointed for a period of three months as a stop-gap arrangement on 14.12.90 (Annexue 2). After expiry of the period of three months, the services of the petitioner were dispensed with by order dated 16.3.91 (Annexure 3). He was thereafter re-appointed. In view of his officiation for the said period of three months, his services were regularized by order dated 5.2.93 (Annexure 5). The Establishment Committee took a decision at its meeting held on 27.2.93 (Annexure 6), that the services of such persons were regularized. This was followed by the consequential order dated 26.3.94 (Annexure 7). Thereafter show-cause



notice was issued to him to give the details of his appointment. On a consideration of the materials shown by the petitioner, his services were dispensed with on the ground that there is no provision for ad-hoc appointment for the period during which the permanent incumbent is on earned leave. Secondly, such ad-hoc appointment cannot be made the basis for a regular appointment whereafter his services were dispensed with. The petitioner challenged the same by preferring appeal which has been rejected by the impugned order. It is thus evident that the petitioner was appointed for a brief period of three months to officiate when the permanent incumbent was on earned leave. The learned Director has rightly held that there is no provision for appointment from the back-door for such a purpose. Secondly, he is equally right in stating in the impugned order that it cannot be the basis of regularization of service. It appears to us that it was not only a case of mere back-door entry, but was much more than that. It seems to be case of well-orchestrated and organized conspiracy to provide permanent employment to the petitioner.”

7. After considering the case of the petitioner, and as such, the said order operates as *res judicata* against him. However, the petitioner has nevertheless obtained an order for filing a representation.



8. The petitioner has again moved before this Hon'ble Court in CWJC No. 17322 of 2016, wherein a direction was issued by this Hon'ble Court to consider his representation. Subsequently, he preferred MJC No. 1677 of 2019. At the time of passing the order, the co-ordinate Bench made the following observation:

“The petitioner is a chronicle litigant. He has been filing writ application after suppressing the facts. This kind of person does not deserve sympathy from this Court.”

9. In light of the observations made above, and considering that the matter has already been decided on merits, as well as upon perusal of the observations of this Court in the MJC petition, this Court finds no merit in the present case, accordingly, the case is dismissed.

(Dr. Anshuman, J.)

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