

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11021 of 2022

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Arun Kumar Singh Son of Late Harivansh Narayan Prasad Singh resident of Village - Kubauli Ram, P.S. - N.H. Bangra, District - Samastipur, Bihar PIN - 848131.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Deputy Development Commissioner-cum Chief Executive Officer, District Board, Samastipur, Bihar.
4. The District Education Officer, Samastipur, Bihar.
5. The District Programme Officer (Establishment), Samastipur, Bihar.
6. The Principal/Head Master, Middle School, Kubauli Baso, Block - Tajpur, District - Samastipur Bihar.
7. Smt. Shail Kumari Wife of Kamleshwar Prasad Singh, Retired Teacher, Middle School, Kubauli Baso, Block - Tajpur, District - Samastipur at present residing at Village - Kubauli Ram, P.S. - N.H. Bangra, District-Samastipur PIN - 848131.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raja Ram Mishra, Advocate
For the Respondent/s	:	Mr.Madhaw Pd. Yadaw, GP-23
		Mr.Arvind Kumar, AC to GP-23
For the res. no. 7	:	Mr.Vinay Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

10 13-05-2026 Heard the learned counsel for the parties.

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

(i) To issue direction upon Respondents to recover all the post retiral benefits paid to the Respondent no. 7 as the appointment of Respondent no. 7 was made on the basis of a wrong educational certificate in which the date of birth was wrongly



mentioned.

(ii) To issue direction upon Respondents to take proper action against all the erring official who are responsible for payment of the retiral benefit of Respondent no. 7 in spite of the clear direction by the District Magistrate, Samastipur to take proper action against Respondent no. 7 through letter no. 3373 dated 29.06.2010.

(iii) To issue other direction/order to the ends of justice.

3. At the outset, the learned counsel appearing on behalf of the respondent no. 7, raises the issue of maintainability and submits that petitioner has got no locus standi to file the present writ petition, since he has got no concern with the appointment of the Respondent no. 7. He was not even employee in the said school.

4. The learned counsel for the petitioner submits that he has filed the present writ petition, since he is resident of the same village where the school is situated, in which respondent no. 7 was working as teacher and retired. He further submits that the appointment was made on the basis of the wrong educational certificate, wherein the date of birth was wrongly mentioned and on the basis of the said certificate, respondent no. 7 entered into service and subsequently retired and got all the retiral dues/benefits.



5. Having heard the learned counsel for the parties, it appears that petitioner is a resident of the same village, where the school, in which the Respondent no. 7 was a teacher. He has filed the present writ petition without any locus standi, he was not even a teacher or employee in the concerned school and has got no concern with the affairs of the school or the appointment of the respondent no. 7. The petitioner has filed the writ petition with ulterior motive, for personal vengeance with the respondent no. 7. Further, it is settled law that a stranger can challenge the appointment of someone to a Public office through a writ of *quo warranto* only.

6. Accordingly, I do not find any merit in the writ petition, the present writ petition is dismissed.

(Ritesh Kumar, J)

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