

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No.70 of 2026

Daya Kumar Baheliya, s/o Ram Prawesh Pasi, R/o Ward No.6,
Village-Duldulwa, P.O. Pesaka, P.S. Meral, District Garhwa.
..... Appellant.

-Versus-

1. State of Jharkhand through Secretary, School Education and Literacy Department, Government of Jharkhand, having its office at Project Bhawan, P.O. & P.S. Dhurwa, District-Ranchi, Jharkhand.
2. The Director, Primary Education (Directorate of Education), School Education and Literacy Department, Government of Jharkhand, having its office at Project Bhawan, P.O. & P.S. Dhurwa, District-Ranchi.
3. The Deputy Commissioner-cum-Chairman, District Education Establishment Committee, Garhwa.
4. The District Superintendent of Education, Garhwa.
..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Rahul Kumar, Advocate
For the Respondents: Mr. Gaurav Raj, AC to AAG-II

Order No.02 **Date: 25.02.2026**

1. Heard Mr. Rahul Kumar, learned counsel for the appellant and Mr. Gaurav Raj, learned A.C. to A.A.G.-II for the respondents.
2. This appeal challenges the learned Single Judge's order dated 11th December, 2025 dismissing appellant's W.P.(S) No.7308 of 2025 on the ground that the appellant's earlier W.P.(S) No.5951 of 2024 on the same subject matter and same cause of action was withdrawn by the appellant without seeking any liberty to file a fresh petition.
3. Mr. Rahul Kumar submitted that the appellant had withdrawn the earlier petition bona fide and there were no mala fides involved in such withdrawal. He submitted that subsequent petition for the same cause of action is barred because the appellant may be

involved in Bench hunting. He submits that this was not the situation in the present case. Further he submits that the appellant was seeking to enforce his fundamental right under Articles 14, 16 and 21 of the Constitution of the India and therefore, the principle in ***Sarguja Transport Service vs. State Transport Appellate Tribunal, M.P. Gwalior & Ors., (1987) 1 SCC 5*** would not apply.

4. Mr. Gaurav Raj defends the impugned order based on the reasoning reflected therein. He submits that ***Sarguja Transport Service (supra)*** is a complete answer and the same cannot be distinguished on the grounds now raised by the learned counsel for the appellant. He submits that this is purely a service matter and not concerned with any liberty of the citizen. Therefore, he submits that the argument based on Article 21 of the Constitution of the India would not apply.
5. We have considered the rival contentions and also perused the record. We are unable to detect any error with the view taken by the learned Single Judge relying on ***Sarguja Transport Service (supra)***.
6. In this case, there is no dispute that the earlier writ petition was on the same cause of action and the same was withdrawn without seeking any liberty to file a fresh petition. In such circumstances, the principle in ***Sarguja Transport Service (supra)*** applies. The exception carved out was in the context of a writ petition involving personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or

seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution of the India since such a case stands on a different footing altogether. Even this question was left open by the Hon'ble Supreme Court.

7. In the present matter, the above question does not arise because the appellant is primarily claiming employment based on the higher marks, he claims to have obtained in the selection process.
8. This is not a keen to seek a writ of habeas corpus or enforcing a fundamental right guaranteed under Article 21 of the Constitution.
9. For the above reasons, we dismiss this appeal without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

25th February, 2026
Sanjay/Rohit
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