2026 INSC 1288

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.405 OF 2025

SHEOPUJAN SINGH @ S.P. SINGH ... PETITIONER

VERSUS

UNION OF INDIA & OTHERS ... RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

The petitioner, a nonagenarian, who appears in person, has sought, by way of this writ petition under Article 32 of the Constitution of India, the following reliefs:

> "8.1 Pay as fixed in Annexure P-16 Page 108-111 may kindly be accepted/ may be examined and accepted.
>
> 8.2 After Finalisation of Basic pay on the day of superannuation that is 31 Jan 1997 GPF, GIS, leave encashment, Gratuity Pension etc may kindly be calculated a fresh.

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Date: 2026.11.28 16:46:35 IST
Reason:

8.3 Interest in addition to statutory Interest wherever applicable be given at the Bank rate lending Interest.

8.4 VIth and VIIth Pay Commission pay scales be updated accordingly and payment may kindly be made within time frame.

8.5 Updated fresh PPO be issued."

2. While the prayers above quoted do not expressly assail the judgment dated 10.10.2023 passed by the High Court of Judicature at Patna in CWJC No.7970 of 2023, the reliefs claimed nevertheless arise from the same controversy that was considered by the Patna High Court in its judgment dated 10.10.2023, whereby it dismissed the petitioner's challenge to the order dated 30.05.2022 of the Central Administrative Tribunal, Patna Bench ("CAT", for short), dismissing his O.A. No.050/00128/2022 in limine, and held that the issue had already attained finality. The petitioner's challenge to that judgment in SLP (Civil) No.21992/2024 was also dismissed by this Court on 20.09.2024.

3. Succinctly put, the petitioner's claim was that the service rendered by him in Umairabad High School from 25.09.1961 to 15.07.1973 ought to be counted for computation of his pensionary

and retiral benefits. At this stage, the brief facts of the case, from its very outset, may be recounted.

4. The petitioner was appointed as Teacher in Umairabad High School, Arwal, Bihar on 25.09.1961 and served there until 15.07.1973. He thereafter joined the Kendriya Vidyalaya Sangathan ("KVS") on 16.07.1973 as a Post Graduate Teacher and was subsequently appointed as Principal. He superannuated from service on 31.01.1997.

5. Following his retirement, the petitioner claimed that his service rendered in Umairabad High School from 25.09.1961 to 15.07.1973 ought to be counted for computation of his retiral and pensionary benefits. He, therefore, approached the CAT seeking payment of retiral dues and counting of his past service. By order dated 01.09.2004 in O.A. No.15 of 2000 and O.A. No.8 of 2002, the CAT directed consideration of his past service from 25.09.1961 to 15.07.1973 and consequential pensionary benefits. However, the KVS Commissioner rejected his claim by order dated 04.02.2005 on the ground that Umairabad High School was a privately

managed institution and did not satisfy the requisite conditions for counting of service.

6. The petitioner challenged the said order in O.A. No.228 of 2005 before the CAT, Patna, which dismissed the application on 18.07.2008. The petitioner thereafter approached the Patna High Court in CWJC No.13791 of 2008. By judgment dated 22.09.2008, the High Court upheld the Tribunal's conclusion that service rendered in an institution which was neither a Government institution nor an autonomous body receiving more than 50% Government aid could not be counted for pension. The petitioner then approached this Court by way of SLP (Civil) CC No.4393 of 2009, which was withdrawn on 13.04.2009 with liberty to seek review before the High Court. He then filed Civil Review No.126 of 2009, which was dismissed by the High Court on 14.05.2009.

7. The petitioner thereafter preferred Civil Appeal Nos.9316-9317 of 2010 before this Court against the rejection of the above review petition. However, by judgment dated 11.03.2015, the appeals were dismissed by noting that no specific leave had been obtained to approach this Court once again by way of special leave

petition in the event the appellant remained unsuccessful in the review petition.

8. Yet, the matter did not end here. The petitioner proceeded to institute further proceedings concerning the same grievance, by way of CWJC No.19185 of 2015, which was dismissed by the Patna High Court on 21.04.2016 with costs of Rs.5,000/-. He subsequently filed Civil Review No.250 of 2016, which also came to be dismissed by the High Court. Thus, he again knocked at the doors of this Court by filing SLP (Civil) Nos.2153-2154 of 2017. However, the said SLPs were dismissed by this Court on 08.05.2017.

9. To our utter shock, the matter still did not attain repose. The dispute resurfaced; this time, in connection with the petitioner's pension and service records. The petitioner, on 04.08.2021, sought inspection/copy of his service book and verification of his pensionary dues. On 05.08.2021, the Joint Commissioner (Administration), KVS, noting that the original service book was unavailable, directed reconstruction of the same afresh. Pursuant thereto, the Assistant Commissioner (Estt.-1), KVS, by letter dated

17.08.2021, called upon the petitioner to furnish papers relating to his service in KVS so that the service book could be reconstructed. The petitioner thereafter forwarded certain papers to the KVS. On 09.12.2021, however, the Assistant Commissioner (Estt.-1), KVS, rejected the petitioner's claim, stating that his emoluments and pension had been correctly fixed, his provisional pension had been regularised, and all dues stood paid, while simultaneously stating that no copy of the service book could be furnished.

10. Aggrieved, the petitioner filed O.A. No.050/00128/2022 before CAT, Patna, challenging the communication dated 09.12.2021. The CAT dismissed the application in limine on 30.05.2022. The petitioner thereafter invoked the writ jurisdiction of the Patna High Court in CWJC No.7970 of 2023.

11. By the judgment and order dated 10.10.2023, a Division Bench dismissed the writ petition with costs of Rs.1,000/-. The High Court held that the petitioner's grievance concerning counting of service from 25.09.1961 to 15.07.1973 had a chequered history and had already been rejected through successive proceedings

before the CAT, the High Court and this Court. The High Court further directed the KVS and the CAT, Patna Bench, not to entertain any further representation or original application concerning the petitioner's grievance in the absence of directions from this Court, as the same has attained finality before this Court. Finally, the petitioner preferred SLP (Civil) No. 21992/2024 against the judgment and order dated 10.10.2023 of the Patna High Court, but the same was dismissed by this Court vide order dated 20.09.2024.

12. Still relentless, the petitioner is now before us by way of filing the present writ petition by invoking Article 32 of the Constitution.

13. On 07.03.2025, at the request of the petitioner, this Court appointed Sri Puneet Jain, learned senior counsel, as *amicus curiae* and Sri Rajesh Singh Chauhan, learned Advocate-on-Record (AOR), to assist the learned *amicus curiae*.

14. We have heard the petitioner, the learned *amicus curiae* and counsel for respondent Nos.2 and 3. We have also perused the material on record.

15. At the outset, the learned *amicus curiae* has sought to confine the scope of the present proceedings. It is submitted that the petitioner is no longer pressing for inclusion of the period from 25.09.1961 to 15.07.1973, during which he served as a Post Graduate Teacher at Umairabad High School, Arwal, Bihar, for the purpose of computation of his pensionary benefits. The grievance, as presently urged, is stated to be confined to the alleged incorrect computation of pension on account of an erroneous determination of the average emoluments. Reliance is placed upon Rule 33 of the CCS (Pension) Rules, 1972 under which pension was required to be computed on the basis of the average emoluments drawn during the last ten months of service. This calculation, according to him, was not properly undertaken due to the admitted non-availability of the petitioner's service book with KVS. Notwithstanding the non-availability of the service book, the KVS was said to have proceeded to regularise the petitioner's provisional pension. The relief now sought is, therefore, stated to be limited to a direction to reconstruct the relevant service records from available official documents, including appointment orders, pay slips, previous pension orders and other admissible material, and thereafter to

recompute the petitioner's pension in accordance with the applicable rules.

16. *Per contra*, learned counsel for respondent Nos.2 and 3 opposed the maintainability of the present writ petition under Article 32 of the Constitution. It was further submitted that the controversy sought to be raised by the petitioner is barred by the principles of *res judicata* and finality of judicial proceedings. The grievance concerning his pensionary benefits has already been the subject matter of successive proceedings before the CAT, the High Court and this Court, culminating most recently in the judgment and order dated 10.10.2023 passed by the Patna High Court in CWJC No.7970 of 2023. The said judgment was thereafter assailed by the petitioner before this Court in SLP (Civil) No.21992/2024, which came to be dismissed on 20.09.2024. It was, therefore, argued, that the petitioner cannot seek to reopen, in the present proceedings, a controversy which has already attained finality.

17. We have given due consideration to the submissions above. It is true that the present submissions, as advanced by the learned *amicus curiae*, do not seek to press the petitioner's earlier claim for

recognition of his service from 25.09.1961 to 15.07.1973. The controversy is sought to be recast as one concerning the correctness of the computation of pension based upon the petitioner's admitted KVS service alone. However, the mere recasting of the relief does not, by itself, alter the true character of the present proceedings.

18. The present relief proceeds on the assertion that the pension itself was incorrectly determined because the underlying service records were unavailable, that the last ten months' average emoluments were consequently not correctly ascertained, and that the pensionary determination made by the KVS ought therefore to be reopened and recomputed. This brings us to the order dated 09.12.2021 passed by the KVS. The said order records that the petitioner had superannuated on 31.01.1997 and had initially been granted provisional pension on account of a vigilance case, which was subsequently closed on 01.08.2001. It further records that, pursuant to the office order dated 20.12.2000, the petitioner's pay had been fixed at Rs.10,975/- with effect from 01.01.1996 in the scale of Rs.10000-325-15200. Significantly, the KVS stated that the petitioner's case had been revisited on the basis of material

obtained from the related Kendriya Vidyalayas, the Pension Section and the Regional Office, and after obtaining the opinion of the Finance Section. Upon such consideration, it recorded that the payment of emoluments and pension was correct, that the final pension had been fixed in accordance with the VIth and VIIth Pay Commission scales and the applicable rules, and that the provisional pension had been regularised. The order concluded that all dues payable by the KVS had been paid. At the same time, the KVS informed the petitioner that his service book was not available and, consequently, that a copy thereof could not be supplied.

19. The petitioner superannuated on 31.01.1997, and his pension, initially provisional, was subsequently regularised. His claim for counting service from 25.09.1961 to 15.07.1973 towards pensionary benefits was repeatedly rejected by the CAT, the High Court and this Court (including by judgment and order dated 11.03.2015 in Civil Appeal Nos.9316-9317 of 2010). The High Court, by its judgment and order dated 10.10.2023, accordingly held the whole controversy to have attained finality and directed that no further representation or original application concerning it

be entertained, except directions from this Court. The petitioner's challenge to that judgment in SLP (Civil) No.21992/2024 was also dismissed on 20.09.2024. The petitioner now seeks, in a different formulation, recalculation of these very pensionary benefits already determined and paid. The present petition thus seeks to reopen the pensionary liability of the KVS, notwithstanding the finality attaching to the earlier proceedings.

20. This Court cannot permit the finality of judicial proceedings to be defeated by a petitioner or litigant merely by recasting the consequential relief. The petitioner cannot, after having challenged the judgment and order dated 10.10.2023 before this Court and having failed in SLP (Civil) No.21992/2024, obtain reopening of his pensionary controversy merely by recasting the relief. In our view, this petition tantamounts, in effect, to challenging the judgment and order dated 10.10.2023 passed by the Patna High Court in CWJC No.7970 of 2023 by way of a writ petition after the special leave petition has been dismissed by this Court.

21. The factual history above stated is remarkable less for the novelty of the grievance than for the persistence, or rather

impertinence, with which it has been pursued. We will not, however, allow it to be pursued any further because the law on the point of maintainability is drawn in lines too clear to blur and admits of no doubt whatsoever.

22. In ***Naresh Shridhar Mirajkar vs. State of Maharashtra*, *AIR 1967 SC 1*,** a nine-Judge Bench of this Court held that an order of a High Court cannot be collaterally challenged in proceedings under Article 32 of the Constitution. If such an order is erroneous, the correction must be sought through the appropriate appellate or revisional process. Until set aside through that course, the order remains binding. This Court held as under:

> "58. …If a judicial order like the one with which we are concerned in the present proceedings made by the High Court binds strangers, the strangers may challenge the order by taking appropriate proceedings in appeal under Article 136. It would, however, not be open to them to invoke the jurisdiction of this Court under Article 32 and contend that a writ of certiorari should be issued in respect of it. The impugned order is passed in exercise of the inherent jurisdiction of the Court and its validity is not open to be challenged by writ proceedings."

23. This principle was reiterated in ***Bilkis Yakub Rasool vs. Union of India*, (*2024) 5 SCC 481*,** where this Court, speaking through one of us (Nagarathna, J.), also held that an order of a

High Court could neither be challenged nor set aside through an Article 32 proceeding, as under:

> "136. We have no hesitation in holding that neither the order of the Gujarat High Court dated 17-7-2019 could have been challenged by Respondent 3 or for that matter by anybody else before this Court in a writ proceeding under Article 32 of the Constitution of India nor the said order of the High Court could have been set aside in a proceeding under Article 32 thereof. This proposition of law has been settled long ago by a nine-Judge Bench decision of this Court in ***Naresh Shridhar Mirajkar v. State of Maharashtra*** which is binding on us."

24. Finality is an essential attribute of the rule of law. A judgment must, at some point, cease to be open to further argument, otherwise, every concluded proceeding could become the starting point of another proceeding.

25. Tested against the above declaration of law as also the principles underlying it, the present writ petition cannot be maintained at all. The petitioner seeks, in substance, to assail the judgment dated 10.10.2023 passed by the Patna High Court in CWJC No.7970 of 2023.

26. The petitioner had earlier litigated the question of counting his service from 25.09.1961 to 15.07.1973 for pensionary purposes before the CAT, the Patna High Court and this Court. The earlier

proceedings culminated in the dismissal of his civil appeals by this Court. The Patna High Court, while dealing with the present writ petition, therefore found that the grievance concerning counting of the said service had already attained finality before this Court.

27. The fact that the petitioner thereafter addressed a representation to the KVS and received a communication dated 09.12.2021 cannot, by itself, provide a fresh route to reopen the controversy which stood otherwise settled. It cannot become the occasion for another challenge to a matter which, in substance, arises from the same claim already adjudicated upon.

28. Accordingly, we have no doubt that the High Court was justified in taking note of the earlier proceedings and in declining to permit the petitioner to reopen a controversy which had already travelled through the judicial hierarchy, not once, not twice, but thrice.

29. What is sought before this Court now is, therefore, in substance, another gamble to unsettle a controversy which has already been put to rest. This sort of gamble must be curbed. The nomenclature of the proceeding or the manner in which the

grievance is recast cannot alter its true character. The present petition must, accordingly, fail.

30. The petition is, therefore, dismissed. We however refrain from imposing costs.

31. Before parting with this case, we wish to observe on the increasing pendency in this Court partly owing to such frivolous cases being filed by litigants who are also termed as “Court birds”.

32. Article 32 of the Constitution of India is being invoked in a casual and frivolous manner. Matters which have been closed and concluded by judgments and orders of this Court are sought to be reopened by filing writ petitions under Article 32 of the Constitution of India. Further, the said Article is also being used for seeking urgent hearing of the cases pending before the High Courts. Moreover, orders of adjournment passed in a specific case by the High Courts are being challenged before this Court either by filing special leave petition or under Article 32 of the Constitution. Article 32 of the Constitution is not meant for this purpose.

33. Dr. B.R. Ambedkar coined Article 32 to be the ‘heart and soul’ of the Constitution meant for the enforcement of the fundamental

rights in Part III. This Court has the power to issue directions or orders or Writs in the nature of Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo-Warranto, whichever may be appropriate, for the enforcement of any of the Fundamental Rights in Part III of the Constitution of India. The sanctity of Article 32 must be retained. However, in recent times, Article 32 is not being invoked for the aforesaid purposes only, but also for other reasons cited above.

34. We may also mention that frivolous writ petitions are being filed as Public Interest Litigations although they may have no semblance of any public interest in them. Private Interest Litigations, Publicity Interest Litigations, and/or Political Interest Litigations are all being filed before this Court in the garb of a Public Interest Litigation under Article 32 of the Constitution. Such filing of cases must not only be condemned but must also be nipped in the bud, if necessary, by imposition of costs.

35. We place on record our appreciation for the assistance rendered by Sri Puneet Jain, learned senior counsel, who has assisted the petitioner, a nonagenarian, who himself has also

argued this matter, as party-in-person, and learned Advocate-on-Record (AOR) Sri Rajesh Singh Chauhan.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

NEW DELHI;
NOVEMBER 28, 2026.