

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5284 of 2011

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1. Raja Ram Sah Son of Late Subh Narayan Sah Resident of Mohalla-
Mahatma Gandhi Nagar, Police Station - Agam Kaun, Patna - 26, District -
Patna

2. Satya Narayan Vishwakarma Son of Late Baldeo Prasad Resident of
Village - Makhania Kuan Road, Police Station Purbahore, District - Patna 4

.... Petitioners

Versus

1. The State of Bihar
2. The Secretary, Science and Technology, Government of Bihar, Patna
3. The Director, Science and Technology Department, Government of
Bihar, Patna
4. The National Institute of Technology, Patna through its Director,
National Institute of Bihar, Patna
5. The Registrar, National Institute of Technology, Patna
6. The Patna University , through its Vice-Chancellor, Patna University,
Patna
7. The Registrar, Patna University, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi
For the Respondent/s : Mr. Vikas Kumar, AC to Advocate General
Mr. Bindhya Keshri Kumar, Sr. Advocate
Mr. B.J.Thakur

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 25-01-2016 Heard Sri Siya Ram Shahi, learned counsel for the
petitioner, Sri Vikash Kumar, learned A.C. to Advocate General as
well as Sri Bindhya Keshri Kumar, learned senior counsel who
was assisted by Sri B.J.Thakur, learned counsel who has appeared
on behalf of respondent/Patna University.

Two petitioners, invoking writ jurisdiction of this
Court under Article 226 of the Constitution of India, have made a
prayer for quashing of a notification, vide Memo no. A/C-1528



dated 16th October, 2009, issued under the signature of Registrar/Patna University. A claim has been made by the petitioners that their pay has incorrectly been fixed ignoring the earlier scale granted to the petitioners. However, on perusal of the writ petition, it appears that after noticing so called error in the fixation of pay scale, the petitioners, without approaching the authority concerned, have directly approached this Court for issuance of writ of mandamus.

The Court is of the opinion that writ of mandamus can only be issued in a case where demand of justice has been made and it is refused.

In view of facts and circumstances, instead of passing any positive order, the Court proposes to dispose of the writ petition granting liberty to both the petitioners to file separate detailed petition/representation before the Registrar of the Patna University with supportive documents. If such petition is filed within a period of six weeks from today, the Registrar, Patna University will examine the same and pass appropriate order in accordance with law within a period of three months after filing of such representation. If the respondent/Registrar of the Patna University considers the claim of petitioners as genuine, he is required to pass a consequential order. In case of refusal, he is

required to pass a reasoned order and communicate the same to the petitioners within aforesaid time.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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