

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16233 of 2011

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Dineshwar Prasad S/O Late Nand Lal Prasad, resident of Village-Balkhara, Police Station-Karpi, District-Arwal, presently residing in Village-Sahargama, Tole-Gandhi Nagar, Police Station-Parihar, District-Sitamarhi, Bihar.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Civil-Surgeon-cum-Chief Medical Officer, Sitamarhi.
4. The Additional Chief Medical Officer, Sitamarhi.
5. The Medical Officer, Primary Health Centre, Parihar, Sitamarhi.
6. The Joint Director-cum-State Programme Officer, Malaria, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3

For the Respondent/s : Mr. AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 26-10-2016 Heard Sri Satish Chandra Jha, learned counsel for the petitioner and learned AC to GP-3.

The petitioner has approached this Court, invoking its jurisdiction under Article 226 of the Constitution of India, with a prayer to quash a letter no.78 dated 02.02.2010 issued under the signature of Additional Chief Medical Officer, Sitamarhi, whereby the petitioner was informed regarding grant of 1st ACP and he was also asked to furnish his application regarding payment of differential amount.

Learned counsel for the petitioner claims that the petitioner was entitled for 2nd ACP also. The Court is primarily of

the opinion that if the petitioner was aggrieved with Annexure-1, at the first instance, he should have approached the authority concerned regarding demand of justice. It is settled law that before making a prayer for issuance of writ of mandamus, one must demand justice from the authority concerned and if it is rejected or not decided for a long time, he can approach the writ court.

The writ petition stands disposed of with observation that if the petitioner is aggrieved with Annexure-1, he may approach the authority concerned by filing representation and if his representation is rejected or it is not decided within reasonable time, he would be entitled to avail appropriate remedy.

(Rakesh Kumar, J)

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