

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9494 of 2013

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1. Upendra Singh, Son Of Chandrika Singh, resident of village- Nawada, P.O.- Nawada, P.S.- Pakri Dayal, District- Nawada, Presently Posted At L.N.D. College, Motihari District- East Champaran.

.... Petitioner

Versus

1. The State Of Bihar, Through The Secretary, Higher Education, Government of Bihar, Patna.
2. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
3. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur
4. The Principal, L.N.D. College, Motihari, East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, adv.
For the Respondent/s : Mr. Dhurjati Kumar Pd. G.P.-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-07-2016

Heard learned counsel for the petitioner and learned counsel for the State.

2. In this case, the petitioner has sought a *mandamus* from this Court to pay his salary with effect from 1.1.1980.

3. The petitioner was appointed as Night Guard in L.N.D. College, Motihari by the Governing Body on 20.12.1979. He joined the service on 1.1.1980. The services of the petitioner was

regularized vide Memo No.B/1794 dated 26.8.2006 as Night Guard. Now, after a lapse of five years, the petitioner is claiming that his date of absorption should be shifted from 26.8.2006 to 1.1.1980.

4. From the body of the writ application, it appears that the petitioner neither demanded for shifting back of his date of absorption nor requested anywhere that his salary should have been paid with effect from 01.01.1980. The mandamus can be issued when the petitioner makes a demand and the same is rejected.

5. In such view of the matter, this petition is not maintainable. Accordingly, this petition is dismissed. However, liberty is given to the petitioner to file a representation before the competent authority for redressal of his grievance, the competent authority will be obliged to consider the representation of the petitioner and pass a reasoned order in accordance with law. It is clarified that this Court is not giving any opinion on the merits of the case.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20/7/2016
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