

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5073 of 2014**

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1. Mahesh Mahto S/O Late Teeyai Mahto
  2. Mahesh Mahto S/O Late Teeyai Mahto
  3. Jagdish Thakur S/O Late Shiv Narayan Thakur Both Resident Of Village Prem Nagar, P.S- Runnisaidpur, District- Sitamarhi, At Present Both Are Working As Godown Chowkidar, Rural Wo Rks Department, Work Sub-Division, Sitamarhi, District- Sitamarhi.
  4. Jagdish Thakur S/O Late Shiv Narayan Thakur Both Resident Of Village Prem Nagar, P.S- Runnisaidpur, District- Sitamarhi, At Present Both Are Working As Godown Chowkidar, Rural Wo Rks Department, Work Sub-Division, Sitamarhi, District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State Of Bihar Through Secretary, Rural Works, Department, Bihar, Patna.
2. The Secretary, Rural Works, Department, Govt Of Bihar, Patna.
3. The Chief Engineer, R.E.O.Ii, Road Constructions ( Works), Department, Bihar, Patna.
4. Superintending Engineer, Rural Works Circle Muzaffarpur, District- Muzaffarpur.
5. Executive Enginee, Rural Works Department, Works Division, Sitamarhi.
6. Assistant Engineer, Rural Works Department, Works, Sub Divisions, Sitamarhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Durga Nand Jha  
For the Respondent/s : Mr. Sc-20 A.K. Upadhyaya

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR**  
**TRIPATHI**  
**ORAL ORDER**

10    19-08-2016                      The writ application is dismissed on the sole principle that if there is no demand on the public authority there is no failure to perform public duty. If that be so no mandamus can be issued.

Let the petitioner agitate their demand before the competent authority first which will give them an opportunity to take a decision on such request or assertion of a right.

The writ application seems to be misplaced on that

account alone.

[Redacted]

B.Kr./-

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(Ajay Kumar Tripathi, J)

