

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14043 of 2016

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Ashutosh Kumar Sinha, Son of Ram Chandra Prasad Sinha, R/o- Chitragupt
Nagar, Kayasth Tola, Ward No.29, District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Personnel & Administrative
Department, Patna
2. The District Collector, Saharsa.
3. The Deputy Collector, Establishment, Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Anil Kr Mukund, Purnendu Kumar, Advocates
For the Respondent/s : Mr Dhurendra Kumar, AC to GP V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-02-2019 Heard learned counsel for the petitioner and the
respondent-State.

Learned counsel for the petitioner submits that though
the petitioner's name figured in the panel prepared in the year,
2006 for regularization on Grade IV post in the Collectorate at
Saharsa, he was not considered and others, below him, have
been regularized ignoring his legitimate claim. Prayer is made
that a direction may be issued so that petitioner can submit his
representation for consideration.

From the records, this Court would find that in respect
of the claim raised in the writ petition, the petitioner has never
approached the authorities and has directly rushed to this Court.



It is trite law that the basic premise for exercise of jurisdiction under Article 226 of the Constitution of India is that the petitioner should have made a demand before the authorities and that if there is refusal on part of the Authority to entertain the petitioner's grievance, the petitioner may move this Court.

At this juncture, it is submitted that the petitioner has filed a representation but the same could not be annexed in the writ petition. For lack of such details/insufficiency of pleading, no direction can be issued for consideration of such representation.

Petitioner would be at liberty to make representation afresh before the Authorities.

Needless to say that if such a representation is made, the Authorities would be obliged to consider the same as per petitioner's eligibility and subject to availability of vacancy and other requisite conditions.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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