

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5207 of 2016

Yodhan Choudhary Son of Late Beyadar Choudhary Resident of Village -
Dhelwa, P.S. Ram Krishna Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Patna Bihar
2. The then Principal Secretary, Road Construction Department, Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Bihar, Patna.
4. The Special Secretary, Road Construction Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Respondent/s : Mr.R.N. Prasad- SC9

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2019 The instant writ petition has been filed by the petitioner who was working as Superintending Engineer in the Rural Works Department. He has been visited with a punishment pursuant to an enquiry.

2.The petitioner's counsel submits that the petitioner has also made allegations against the Departmental Secretary and Special Secretary. However, no enquiry has been conducted against them. He further submits that a direction should be issued to the Chief Secretary to initiate action against the then Principal Secretary of the Rural Works Department as well as the then Special Secretary, Road Construction Department.

3. Prior to approaching this Court the petitioner has not



approached the then Chief Secretary for such relief.

4. It is trite law that demand before the authorities and refusal must precede invocation of jurisdiction under Article 226 of the Constitution of India. It is only after the petitioner has made a demand and the Authorities have shown inaction whereafter the Court has occasion to issue direction to compel the authorities to act. This Court would not issue a direction on a presumption of innaction. It is also observed that the Principal Secretary and Special Secretary against whom the petitioner has made allegations in person have not been impleaded as respondent in the instant writ petition. In the circumstance, this Court would refrain from issuing any directions against them behind their back.

5. In view of the aforesaid circumstances, this Court would refrain from issuing any order.

6. The writ petition is dismissed.

(Madhuresh Prasad, J)

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