

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5568 of 2020

Paras Nath Singh son of Late Ramu Singh permanent resident of Village- Onda, P.S.- sare, District- Nalanda, presently residing in the hosue of Rajesh Singh, Sumitra Bhawan, Shakuntani Bhawan, Nawada, P.s. and District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
3. The Joint Secretary cum Director, Food and Consumer Protection Department, Govt. of Bihar, Patna
4. The Registrar, Bihar State Consumer Redressal Forum, R. Block, Road No. 2 Patna
5. The District Magistrate cum Collector, Nawada
6. The Secretary, District Consumer Protection Forum, Nawada
7. The Deputy Collector, Establishment, Collecteriate, Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gopal Bohra
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 25-11-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“1. That by this writ application, the petitioner seeks indulgence to the Hon’ble Court for issuance of appropriate writ/writs commanding and directing the respondents to make payment of remuneration/fixed salary for the period 01.10.2016 to 30.09.2018 during which he served in the post of Head Clerk in District Consumer Protection Forum, Nawada on contract at fixed salary of Rs. 24,725/- per month along with statutory interest thereon and



other consequential reliefs for which the petitioner would be found entitled under the facts and circumstances of the case.”

3. For the issuance of writ of mandamus to any authority under Article 226 of the Constitution, one must establish statutory legal right followed by demand. Both the ingredients are not forthcoming in the present petition. In absence of the aforesaid ingredients writ petition cannot be entertained in view of Apex Court's decision in case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276* read with latest decision reported in *(2020) 9 SCC 356, Hari Krishna Mandir Trust Vs. State of Maharashtra & Others [Para 100 & 101]*. Thus, the petitioner has not made out a case.

4. Accordingly, the instant petition stands disposed of reserving liberty to the petitioner to approach appropriate authority by making necessary application/representation highlighting the statutory legal right to claim the reliefs sought in the present petition within a period of four weeks from the date of receipt of copy of this order.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2021
Transmission Date	

