

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18340 of 2021

1. Vinay Kumar Mandal Son of Late Shaligram Prasad Resident of Village- Auriya, P.S.- Barahat, District- Banka.
2. Sanjiv Kumar Singh Son of Late Baijnath Singh Resident of Village- Thegadih, P.S.- Kartahan, District- Vaishali.
3. Ful Kumar Chaudhary Son of Late Krishandev Chaudhary Resident of Village- Srirampur, P.S.- Hayaghat, District- Darbhanga.
4. Nand Kishor Yadav Son of Late Arjun Yadav Resident of Village- Kursela Basti, A.G. Bazar, P.S.- Kursaila, District- Katihar.
5. Yugal Kishor Verma Son of Late Gopal Thakur Resident of Village- Dihra, P.S.- Naubatpur, District- Patna.
6. Anand Kumar Son of Ram Babu Prasad Resident of Village- Gahiri Kothi, Ward No. 08, Gahiri Victoria Mission, P.S.- Nautan, District- East Champaran.
7. Raghuvir Raghvam Son of Faujdar Sah Resident of Village- Pakari, P.S.- Baluraj, District- Muzaffarpur.
8. Kaushalendra Kumar Singh Son of Suresh Prasad Singh Resident of Near Kali Mandir, Road No. 3 B, Postal Park, P.S.- Jakkanpur, District- Patna.
9. Shambhu Pandit Son of Basudev Pandit Resident of Village- Hata Alapur, P.S.- Pachrukhi, District- Siwan.
10. Chandra Kishore Azad Son of Rajnandan Prasad Resident of Village- Sherthua, P.S.- Ghosi, District- Jehanabad.
11. Ramchandra Sahani Son of Late Rajendra Kapar, Resident of Village- Bishandevpur, P.S.-Kati, District-Muzaffarpur.
12. Surendra Prasad Singh Son of Kramdev Singh Resident of Village-Gosaidih, P.S.-Navinagar, District-Aurangabad.
13. Harendra Kumar Verma Son of Mohan Lal Das, Resident of Vilage-Chandi Katwa, P.S.- Rani Patara, District-Purnea.
14. Vipin Bihari Verma Son of Late Ganesh Prasad Verma Resident of Village- Motipur, P.S.-Motipur, District-Muzaffarpur.
15. Rambalak Chaudhary Son of Late Kula Nand Chaudahry, Resident of Village-Maujamabad, P.S.-Bihipur, District-Bhagalpur.
16. Krishandev Sah Son of Late Lal sah Resident of Village-Nonpur, P.S.- Karjaien Bazar, District-Supaul.
17. Indu Bhushan Mandal Son of Balram Bihari Mandal, Resident of Ward No. 12, Sadhua, P.S.-Rangara Chowk, Sadhua, District-Bhagalpur.
18. Md. Ishrafil, Son of Maqbool Nadaf, Resident of Village-Ugani Tola, Azad Nagar, P.S.-Navgachiya, District-Bhagalpur.
19. Kedarnath Dat, Son of Late Triveni kant Dat, Resident of Village-Kamalpur, P.S.-Basopatti, District-Madhubani.
20. Shyamnand Singh Son of Anrudh Prasad Singh Resident of Vilalge-Near N.H.-107, Chainpura, P.S.-Mahangachandpur, District-Purnea.



21. Siyaram Sah Son of Late Mahadev Sah, Resident of Village-Maheshpur Ward No. 10, P.S.-Maheshpur, District-Supaul.
22. Bablu Kumar Mandal Son of Late Ramswaroop Mandal Resident of Ward No. 15, Shivsona, P.S.-Halsi, District-Lakhisarai.
23. Ramsundar Mandal Son of Dukha Mandal, Resident of Ward No. 6, Ganaura, P.S.-Marauna, District-Supaul.
24. Arvind Kumar Mandal Son of Late Kant Prasad Mandal, Resident of Village-Tinranga Barari, P.S.-Gopalpur, District-Bhagalpur.
25. Shivshankar Paswan Son of Darosi Paswan Resident of Village-Belapemu Sarvodaya Tola, P.S.-Barhata Kothi, District-Purnea.
26. Vidhyanand Mishra Son of Sampat Mishra, Resident of Village-Vijaupur, P.S.-Vijaypur, District-Gopalganj.
27. Chandan Kumar Son of Late Prabhu Prasad Singh Resident of Village-Shyampur, P.S.-Paru, District-Muzaffarpur.
28. Vinay Kumar Son of Late Ramakant Rajak, Resident of Karbigahiya, P.S.-Jakanpur, District-Patna.
29. Mithilesh Kumar Thakur Son of Late Nagendra Thakur Resident of Village-Chandikatwa, P.S.-Rani Patara, District-Purnea.
30. Kumari Nitu Wife of Manoj Kumar Resident of Village-Alkapuri, P.S.Bhagwanpur, District-Muzaffarpur.
31. Ghanshyam Kumar Son of Bishwanath rai, Resident of Village-Lahladpur, P.S.-Kanti, District-Muzaffarpur.
32. Parvin Kumar Son of Rameshwar Yadav Resident of Village-Fulka, P.S.-Jamalpur, District-Munger.
33. Sushil KUMar Singh Son of Late Tapeswar Singh Resident of Village-Yadawari, P.S.-Fulparas, District-Madhubani.
34. Suman Kumar Son of Late Raghunath Jha Resident of Village-Ramnagar, P.S.-Ghaighat, District-Muzaffarpur.
35. Santosh Kumar Son of Baleswar Sah Resident of Village-Pagara, P.S.-Dalsinghsarai, District-Samastipur.
36. Ramsnehi Rai Son of Ram Kumar Bhagat, Resident of Village-Balbhadrapur, P.S. and District-Samastipur
37. Gurudev Prasad Mandal Son of Ambika Prasad Resident of Village-Patluka, P.S.-Barachati, District-Gaya.
38. Ravindra Kumar Sinha Son of Late Ram Vilash Prasad Sinha, Resident of R.S. Cant, Purwanchal High School, P.S.-Bahadurpur, District-Darbhanga.
39. Pankaj Kumar Son of Sakaldev Mandal, Resident of Village-Gosaitola, P.S.-Ghaighat, District-Muzaffarpur.
40. Aditya Kumar Chaudahry Son of Kulanand Chaudahry, Resident of Village-Maujamabad, Ward No.1, P.S.-Bihpur, District-Bhagalpur.
41. Jagarnath Prasad Son of Ramavatar Prasad Resident of Village-Paraunalami Chaur, P.S.-Bhore, District-Gopalganj,
42. Premchand Pandit, Son of Late Babulal Pandit, Resident of Village-Alapur,



P.S.-Pachrukhi, District-Siwan.

43. Niraj Kumar Singh Resident of Village-Madhaul, P.S.-Maniyari, District-Muzaffarpur.
44. Ramesh Kuamr Karn Son of Bhuwaneshwar lal Das, Resident of Ward No.7, Jaiprakash Nagar, P.S.-Sadar, District-Araria.
45. Rajendra Thakur Son of Giri Thakur, Resident of Village-Chainpur, P.S.-Murliganj, District-Madhepura.
46. Madan Prasad Son of Bahal Ram Resident of Village- Narma, P.S.-Hulasganj, District-Jehanabad.
47. Amir Chand Prasad Son of Late Ramswaroop Prasad , Resident of Village-Parisiya Kala, P.S.-Dawathpur, District-Rohtas.
48. Raju Prasad Son of Rameshwar Mahto, Resident of Village-Sigthu, P.S.-Biharsharif, District-Nalanda.
49. Abhay Kumar Son of Hamun RaJak, Resident of Village-Saheb Nagar, P.S.-Gaurichak, District-Patna.
50. Janardhan Sah Son of Bardul Sah Resident of Village-Brindavan, P.S.-Thave, District-Gopalganj.
51. Rahul Verma Sono f Pramod Kumar , Resident of Village-Mahrauli, P.S.-Aurai, District-Muzaffarpur.
52. Umeshwar Prasad Son of Late Aghani Mahto, Resident of Village-Sonsa, P.S.-Hisua, District-Nawada.
53. Sanjay Kumar Son of Fuleshwar Yadav Resident of Village-Chausa, P.S.-Chausa, District-Madhepura.
54. Kumar Dharmjit Son of Lakhan Chaudhary, Resident of Village-Bairampur, P.S.-Singhiya, District-Darbhanga.
55. Ram Narayan Lal Karn Son of Laxmi Lal Karn, Resident of Village-Bhagirath Pati, P.S.-Basopatti, District-Madhubani.
56. Upendra Kumar Son of Nemdhari Ram Resident of Village-Machhagar Jagdish, P.S.-Thave, District-Gopalganj.
57. Radheshyam Singh Son of Hari Singh Resident of Village-Singha Thave, P.S.-Mirganj, District-Gopalganj.
58. Kailash Prasad Singh Son of Baijnath Singh Resident of Village-Bathane, P.S.-Pandol, District-Madhubani.
59. Radhakrishan Das, Son of Navonath Das, Resident of Vivek Vihar Colony, Ramjaipal Nagar, P.S.-Danapur, District-Patna.
60. Kundan Rai Sono f Ramvilit Rai, Resident of Village-Babupur, P.S.-Kishunpur, District-Samastipur.
61. Vinod Kuamr Sinha, Son of Mathuralal Sinha, Resident of Village-Narauna, P.S.-Sasaram, District-Rohtas.
62. Muna Lal Prasad, Son of Surendra Kumar Verma Resident of Village-Chaukhra, P.S.-Kopasmahauta, District-Saran.
63. Krishan Kumar Singh Son of Late Mahavir Singh, Resident of Village-Madhaul, .S.-Maniyari, District-Muzaffarpur.



64. Pankaj Kumar Singh Son of Krishan Kumar Resident of Village-Madhaur, P.S.-Maniyari, District-Muzaffarpur.
65. Birendra Prasad Son of Late Bishwanath Prasad Resident of Nutan Nagar, P.S.-Civil Line, District-Gaya.
66. Wajir Khan Alam, Son of Md. Gunjar Khan Resident of Village-Mathurapur Hara, P.S.-Kalyanpur, District-Samastipur.
67. Ramashish Paswan Son of Sakhichand Paswan Resident of Village-Bochahi, P.S.-Jamalpur, District-Munger..
68. Rakesh Kumar Jha Son of Late Shyam Kishore Jha Resident of Village-Baksaghat Road, Sipahi Tola, P.S.-Purnea, District-Purnea.
69. Arti Devi Wife of Vinay Thakur, Resident of Village-Ranipatra, P.S.-Rani Patra, District-Purnea.
70. Yusuf Ansari Son of Nizamuddin, Resident of Village-Rajandih, P.S.-Rajpur, District-Rohtas.
71. Rajendra Ram Son of Laljit Ram Resident of Village-Rajandih, P.S.-Rajpur, District-Muzaffarpur.
72. Sidharth Shankar Rahul Son of Sukhram Prasad Resident of Village-Rajandih,, P.S.-Rajpur, District-Rohtas.
73. Putul Kumari Wife of Late Upendra Kumar Singh Resident of Village-Jharya, P.S.-Wazirganj, District-Gaya.
74. Rameshwar Prasad Verma Wife of Late Budhan Prasad Resident of Village-Bhelsha, P.S.-Gulwara Madhuban, District-East-Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Bihar Bhoodan Yagna Committee through its Chairman, Member Board of Revenue, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP 18

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

Date : 20-12-2021



In the instant petition, petitioners have sought for following relief/reliefs:

- i. For direction to the respondent authorities to release grant in aid to the Bhoodan Yagna Committee for financial year 2018-19, 2019-20, 2020-21 and financial year 2021-22 so that the work of the office of Bhoodan Yagna Committee can be properly managed and employees of the committee be also paid regularly.
- ii. For direction to the respondent authorities to make payment of salaries of petitioners, which is due from November, 2018 particularly when the Bihar Bhoodan Yagna Committee was dissolved and it was merged with the office of Member Board of Revenue and petitioners have been regularly working as an employee of the State Govt.
- iii. For any other relief/reliefs for which the petitioners are found entitled to.”

In the absence of demand before the competent authority, for the purpose of issuance of writ of Mandamus under Article 226 of the constitution one must fulfill the ingredients like statutory right/legal right read with the demand before the competent authority. Both the ingredients are not forthcoming, therefore, in terms of the Apex Court decision in the case of ***Mani Subrat Jain V. State of Haryana*** reported in ***(1977) 1 SCC 486*** held as under:

"9. The High Court rightly dismissed the petitions. It is elementary though it is to be restated that no one can ask for a mandamus without a legal right. There must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by some one who has a legal duty to do



something or to abstain from doing something (See Halsbury's Laws of England 4th Ed. Vol. 1, paragraph 122; State of Haryana v. Subash Chander Marwaha & Ors. (1) Jasbhai Motibhai Desai v. Roshan Kumar Haji Bashir Ahmed & Ors. (2) and Ferris Extraordinary Legal Remedies paragraph 198."

Present petition stands disposed off reserving liberty to the petitioners to make necessary application/representation before the competent authority within a period of four weeks from today.

If such a representation or application is submitted to the competent authority, the competent authority is hereby directed to redress the grievance of the petitioners in accordance with law at the earliest.

With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

