

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4890 of 2021

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Dhirendra Roy, Son of Ram Janam Roy, Resident of Near Indra Bhawan,
New Punaichak, Boring Canal Road, P.S.-Shashtri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. Director-in-Chief, Health Services, Govt. of Bihar, Patna.
3. The Regional Deputy Director, Health Department, Patna Region, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Ramadhar Singh (GP 25)

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

Date : 02-02-2022

This matter is heard *via* video conferencing due to circumstances
prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the following relief(s):-

“(I) For issuance of appropriate writ/order/direction to the respondents to absorb the petitioner on the post of Non-Medical Assistant in who has worked the Health Department in the department on the said post for and was more than 10 years and terminated from service *vide* order dated 8-3-1999 as contained in memo No. 11/L-4-06/90-84 (2) issued by the Director-in-Chief Health Department Govt. of Bihar Patna in view of the fact that several similarly situated employees have been re-instated /absorbed in service.

(ii) For any writ/order/direction which the any facts petitioner is entitled too in the and circumstances of this case.”

For issuance of writ of mandamus there must be two ingredients
namely legal and statutory right followed by demand before the competent author-



ity. Perusal of the writ petition both the ingredients are not forthcoming, therefore, the present petition cannot be entertained in the light of Hon'ble Apex Court decision in the case of **Mani Subrat Jain vs. State of Haryana** reported in **(1977) 1 SCC 486**.

Accordingly, the present writ petition stands dismissed reserving liberty to the petitioner to approach the competent authority in submitting a detailed representation along with the judicial pronouncements, if any within a period of eight weeks from the date of receipt of this order. On receipt of petitioner's representation the competent authority is hereby directed to pass a speaking order and communicate to the petitioner within a reasonable period of time.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

