

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4644 of 2021

Manjay Kumar Son of Birendra Rai, Resident of Village-Jalalpur, Salha, P.O.-
Jalalpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
2. The Director-in Chief Health Service, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
3. The Exevutive Director, State Health Committee Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar
For the Respondent/s	:	Mr. Nagendra Pd. Yadav, SC-23

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 01-02-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

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

“1. That, this is an application on
behalf of the above named petitioner for issuance
of appropriate writ(s), order(s), direction(s) to the
Respondent authorities for the following
relief(s):-

(i) To issue writ mandamus in nature
directing the respondent authorities to give fresh
advertisement with direction to apply application
for the post of GNM without resignation
certificate and pass certificate because result of
GNM has not published till date due to Covid-19
cases.

(ii) Further to issue writ mandamus in
nature directing the Respondent authority to
accept the petitioner’s application without
passing certificate with condition certificate must



be deposit after getting result of GNM.
(iii) To wny other relief(s) for which the petitioner is entitled for in facts and circumstances of the case.”

3. Petitioner is not entitled to the aforesaid relief for the reasons that Respondent No. 3 advertised the post of GNM on 26.12.2020 by fixing the last date on 20th January, 2021 whereas the present petition was presented on 08.01.2021, i.e. much before the last date of submission of online application, namely 20th January, 2021.

4. In the light of these dates and events, petitioner is not entitled to the aforesaid relief. That apart, for issuance of writ of mandamus petitioner has not approached the concerned respondent.

5. In the light of Apex Court's decision in the case of **Mani Subrat Jain V. State of Haryana & Ors.** reported in **A.I.R. 1977 SC 276**, petitioner is not entitled to writ of mandamus unless he establishes legal/statutory right followed by demand before the competent authority. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

