

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1628 of 2022

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Surendra Prasad Tiwari S/o Late Ram Dev Tiwari Resident of Village - Kudariya, P.O. - Jamodhi, P.S. Tarari, District- Bhojpur, Bihar. Also at Opposite - Sinha Store, Tahal Tola, PO Sahay Nagar, Dhanuat, Patna, Bihar - 801506.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. The Additional Chief Secretary, Social Welfare Department, Govt. of Bihar, Main Secretariat, Patna.
3. The Additional Chief Secretary, Personnel and Administrative Reforms Department, Main Secretariat, Patna.
4. The Additional Chief Secretary, Department of Education Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The Director, Integrated Child Development Service Social Welfare Department, Govt. of Bihar, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna.
6. The Director, Mass Education, Human Resources Development Department, Government of Bihar, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Md. Raisul Haque (SC 10)

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

Date : 15-02-2022

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

Petitioner has unnecessarily impleaded the Chief Secretary, Additional Chief Secretary, Social Welfare Department, and the Additional Chief Secretary, Personnel and Administrative Reforms Department. Since there is no relevancy in respect of petitioner's grievance in the present petition he is hereby permitted to delete their names as respondent nos. 1 to 3.



Learned State counsel accepts notice for respondent nos. 4 to 6.

Learned counsel for the petitioner is hereby directed to serve a copy of the petition to learned counsel for the State if it not already served.

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

“(I) To issue an appropriate writ in the nature of mandamus commanding the respondents to grant the benefit of Assured Career Progression A.C.P) in the scale of Account officer and all consequential benefits in terms of salary arrears, pension fixation, Gratuity fixation, cave salary fixation and grant the differential amount to the petitioner

(b.)To Issue an appropriate writ in the nature of mandamus commanding the respondents to grant A.C.P in the scale of Account officer as per Sankalp no 163 dated 08/01/2016 issued by Department of Finance government of Bihar and as per ratio laid down in LPA 1260 of 2012 as petitioner was appointed as graduate Account clerk.

(c) Pass any other or further order as this Hon'ble Court may deem it and proper in the interest of justice.”

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

