

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5191 of 2021

1. Dilip Kumar Purvey Son of Late Hari Narayan Purvey, Resident of Village-Bakarganj, P.S.-Laheriasarai, District-Darbhanga.
2. Jabahar Lala Choudhary Son of Late Radha Kant Choudhary, Resident of Village-Govindpur, P.S.-Laheriasarai, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Health Department, Government of Bihar, Patna.
2. The Commissioner Cu Secretary, Health Department Government of Bihar, New Secretariate, Patna.
3. The Director, Health Department Government of Bihar, New Secretariate, Patna.
4. The Civil Surgeon Cum Chief Medical Officer, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar
For the Respondent/s : Mr. Pankaj Kumar, SC-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 03-02-2022

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

2. State counsel accept notice for respondents.

Petitioners' counsel to serve copy of the petition to the State counsel.

3. In the instant petition, petitioners have prayed for following reliefs:-



“1. That this writ petition is being filed for appropriate issuance of writ/writs, order/orders, direction/directions to the Respondent no. 2 to examine the case of the petitioner in the light of order passed in C.W.J.C. No. 1542 of 2016, because the similarly situated person taken back in service by Respondent no. 3 and the case of the petitioner not examine till date and without considering the fact that the petitioner are working under the Respondents about two decades on the ground of forged appointment saying the memo no. not tally the petitioner dismiss from service without giving proper opportunity and further direct the Respondents to treated the petitioner as retired employee and pay all benefit to the petitioner and further for any other relief or reliefs to the petitioner in entitled in the facts and circumstances of this case.”

4. The aforesaid relief is not supported by any material information. For issuance of writ of mandamus, one must establish legal/statutory right followed by demand before the competent authority. The aforesaid ingredients are not forthcoming, in the result the present petition is not maintainable 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***,

5. Accordingly, the present petition stands dismissed reserving liberty to the petitioners to prefer



application/representation. If such application/representation is submitted within a period of eight weeks from the date of receipt of this order, in that event, the concerned respondent is hereby directed to decide the petitioner's application/representation at the earliest.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

