

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5970 of 2021

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1. Chandra Deep Ray S/o Late Bihari ray Village and P.s.- Belsand, District-Sitamarhi, Bihar
 2. Rama Shankar Ray S/o Late Rajendra ray R/o Village- Belsand, Ward no. 2, P.o. and P.s.- Belsand, District- Sitamarhi, Bihar... Petitioner/s

Versus

1. The State of Bihar
 2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
 3. The Principal Secretary Department of Finance, Government of Bihar, Patna
 4. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna
 5. The District Magistrate, Sitamarhi, Bihar
 6. The Superintendent of Police, Sitamarhi, Bihar
 7. The Sub Divisional Officer, Belsand, Sitamarhi, Bihar
 8. The Circle Officer, Belsand, Sitamarhi, Bihar. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 07-02-2022

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

In the instant petition, petitioners have prayed for the following relief(s):-

“(i) For issuance of appropriate writs, orders or directions upon the respondents whereby and where under the respondents may be directed to give First M.A.C.P or First Financial Up Gradation in pay and it's consequential financial benefits to the petitioners w.e.f 27.11.08 or with effect from such other date from which the petitioners are entitled to and,
(ii) For issuance of appropriate writs, orders or directions upon the re-



spondents to grant Second M.A.C.P. or Second Financial Up Gradation in pay and it's consequential financial benefits to all the petitioners w.e.f. 27.11.18 or with effect from such other date from which the petitioners are entitled to.
(iii) And any other appropriate reliefs may be given to the petitioners under the given facts of the case”

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.

Vikash/-

(P. B. Bajanthri, J)

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

