

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7521 of 2021

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Anil Kumar @ Anil Kumar Sah Son of Late Lakshmi Sah Resident of Village
- Rajwa, Ward No. 8, Mohiuddinpur, Post Office- Rajwa, Police Station- N.H.
28 Bangra, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Vikash Bhawan, Bailey Road, Patna, Bihar.
2. The Director (Primary and Elementary Education), Human Resources Development Department, New Secretariat, Vikash Bhawan, Bailey Road, Patna, Bihar.
3. The Director Mass Education, Government of Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The District Education Officer, Samastipur.
6. The District Programme Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 10-02-2022

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

2. None appears for the petitioner.

3. State counsel accept notice for respondents. Petitioner's
counsel to serve copy of the petition to the State counsel, if it is
already not served.

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

“1. That this is an application for



issuance of an application for issuance of a writ in the nature of mandamus commanding and directing the respondent-authorities to adjust the petitioner against the suitable post as has been done in the case of non-formal Supervisors, who were also earlier discharging their duties on the basis of stipend (MANDEY) and/or for issuance of an appropriate writ(s), order(s) or direction(s), which seems just and equitable in the facts and circumstances stated hereunder.”

5. The aforesaid relief is not supported by legal/statutory right followed by demand before the competent authority. 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*, the present petition is not maintainable.

6. Accordingly, the present petition stands dismissed reserving liberty to the petitioner to submit a detailed representation along with judicial pronouncements, if any, for the purpose of regularization or accommodation of petitioner against one of the vacancy. If such 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 representation at the earliest.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

