

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6506 of 2021

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1. Raushan Kumar S/o Shailendra Mandal R.O Village-Dayanager Gosainpur, P.S.-Belsand, Distirct-Sitamarhi, Bihar.
 2. Suresh Kuamr Ray S/o Ram Premi Ray, R/o Village-Kui, P.O.-Belsand, P.S.-Belsand, Distirct-Sitamarhi, Bihar.
 3. Ramesh Mandal S/o Harendra Mandal, R/o Village-Patahi, Ward No. 4, P.S.-Belsand, Distirct-Sitamarhi, Bihar.
 4. Mahesh Kumar S/o Ramjee Mahto, R/o Village-Bhoraha, P.O.-Patahi, P.S.-Belsand, Distirct-Sitamarhi,

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary. Departmet of Finance, Government of Bihar, Patna.
3. The Principal Secreary, Department of Home (Police), Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi, Bihar.
5. The Superintendent of Police, Sitamarhi, Bihar.
6. The Sub-Divisional Officer, Belsand, Sitamarh, Bihar.
7. The Circle Officer, Belsand Sitamarhi, Bihar.

... .. Respondent/s

Appearance :

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

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

Date : 07-02-2022

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 sought for the following reliefs:-

“(i) For issuance of appropriate writs, orders or directions whereby and whereunder the respodnents may be directed to grant first M.A.C.P. or First Financial Up Gradation in pay with it’s consequential admissible financial benefits to all petitioners w.e.f.28.07.2011 or with effect from such



other date from which the petitioners are entitled to

(ii). And any other appropriate reliefs may be given to the petitioners under the given facts of the case.”

3. For issuance of writ of mandamus petitioners have not apprised this court that they have legal and statutory right followed by demand before the competent authority.

4. Thus, the present petition stands dismissed in the light of the case of Mani Subrat Jain V. State of Haryana reported in (1977) 1 SCC 486 held as under:

“9. The High Court rightly dismissed the petitions. It is elementary though it is to be restated that no one can ask for a mandamus without a legal right. There must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by some one who has a legal duty to do something or to abstain from doing something.”

5. Petitioners are at liberty to prefer a representation before respondent no. 4 in accordance with law within a period of eight weeks from the date of receipt of this order.

6. If such representation are submitted to 4th respondent, he is hereby directed to examine the petitioners claim and decide in accordance with law at the earliest.

(P. B. Bajanthri, J)

Khushbu/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

