

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6769 of 2021

1. Rajesh Kumar, Son of Shri Lal Kishore Prasad Singh, Resident of Mohalla - Ward no. 31, Mojhil Road, Near to Kishore Sadan, Shri Krishna Nagar Motihari, P.S. Nagar Motihari, District - East Champaran.
2. Binod Kumar, Son of Shri Lakshmi Prasad, Resident of Village - Mirpur, P.O. Mirpur, P.S. - Chiraiya, Dist. - East Champaran.
3. Tripurari Kumar Dubey, Son of Bishwanath Dubey, Resident of Mohalla - Ward No. 2, Mirpur, P.O. - Mirpur, P.S. - Chiraiya, Dist. - East Champaran.
4. Vinay Kumar Anand, Son of Vedanand Thakur, Resident of Village - Pakadi Dayal (Mushari Tola), P.S. - Pakadidayal, Dist. - East Champaran.
5. Rupesh Kumar Tiwari, Son of Shri Ram Ekbal Tiwari, Resident of Village - Pakadi Dayal, District - East Champaran.
6. Ashok Kumar Akela, Son of Jagdish Prasad, Resident of Mohalla - ward no. 5, Telia Pati, District - East Champaran.
7. Rajiv Kumar, Son of Kedar Nath Gupta, Resident of Mohalla - Ward No. 15, Rahman Lane No 4, P.O.- Rajendra Nagar, P.S. - Motihari, District - East Champaran.
8. Ram Shankar Pandey, Son of Rupdeo Pandey, Resident of Village - Barwa Tiwari Tola, District - East Champaran.
9. Punam Verma, Daughter of Ram Ekbal Prasad, Resident of Village - Near to middle School, Belbanwa, P.O. - Belbanwa, District - East Champaran.
10. Chitranjan Kumar, Son of Birendra Mani Tiwari, Resident of Mohalla - Ambika Nagar, Ward No. 12, P.S. - Banjaria Motihari, District - East Champaran.
11. Ashok Kumar Singh, Son of Shri Indrasan Singh, Resident of Village - Horil Chappra, P.O. - Chapakiya, P.S. Malahi, Dist. - East Champaran.
12. Ashok Kumar Mishra, Son of Ramakant Mishra, Resident of Village - Nagdaha, P.O. - Nagdaha, P.S. Malahi, District - East Champaran.
13. Mohammad Islam, Son of Mohammad Salim Ansari, Resident of Village - Mirpur Tola Maliya, P.O. - Mirpur, P.S. - Chiraiya, District - East Champaran.
14. Amod Kumar, Son of Shri Ganesh Tripathi, Resident of Village - Pakadi Dayal, P.S. - Pakadi Dayal, P.O. - Pakadi Dayal, District - East Champaran.
15. Jai Narayan Prasad, Son of Sukla Ray, Resident of Village - Katkulya, P.S. - Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner-Cum-Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary Department of Personnel and Administrative Re-



- forms, Government of Bihar, Patna.
4. The Director, Mass Education, Education Department, Government of Bihar, Patna.
 5. The District Education Officer, East Champaran.

... .. Respondent/s

Appearance :

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

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

Date : 08-02-2022

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):-

“(a) For issuance of any appropriate writ/s (a) especially in the nature of mandamus commanding and directing the respondents concerned to observed the petitioners on the post of Class-III and Class-IV under the respondents state as the petitioner are ex- instructor of non formal educations on several ground including that the state grounds including that the State Government has decided to absorb the non-formal education supervisor on Class-III Post.

(b)For issuance of any appropriate writ/s, rule or directions as Your Lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioners may be found entitled thereto.”

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

