

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.170 of 2020

In
Civil Writ Jurisdiction Case No.10160 of 2019

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1. Rajeshwar Prasad Son of Ramchandra Prasad, Resident of Village and P.O.-Asarhi, P.S.-Hilsa, District-Nalanda, Bihar-801302.
 2. Shashi Kant, Son of Dudheshwar Rai, Resident of H.No.-1, Sector-7, B.K. Institute, Nepali Nagar, Phulwari, Patna-800025 (Bihar).
 3. Sanjay Kumar, S/o Krishna Prasad, Resident of Village-Mahua Bagh, P.O.-Sahay Nagar, Dhanaut, P.S.-Rupaspur, District-Patna-801506 (Bihar).
 4. Ashok Kumar, S/o Shyam Narayan Yadav, R/o-Devi Mandir (Near Ahamad Bigha), P.S.-Kumardih, District-Jahanabad-804427 (Bihar).
 5. Sanjeev Kumar Jha, S/o Taresh Jha, R/o-Ward No. 12, P.S.-Kashipur, District-Samastipur-848101 (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Home (Police) Department, Govt. of Bihar, Patna.
3. The Bihar Staff Selection Commission through its Chairman, Bailey Road, Patna.
4. The Bihar Staff Selection Commission through its Secretary,, Bailey Road, Patna.
5. The D.G. of Police, Bihar, Patna.
6. The ADG of Police (HQ), Bihar, Patna, Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Narayan Singh, Advocate
For the State	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG 3
For BSSC	:	Mr. Gyan Shah, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-08-2022

Heard learned counsels for the parties.



2. In the instant appeal, appellants have questioned the validity of the order dated 18.12.2019 passed in C.W.J.C No. 10160 of 2019. In the writ petition, appellants have prayed for the following relief/reliefs:

“That this is an application for issuance of appropriate writ, order or direction to the respondents to appoint the petitioners on the post of Sub-Inspector of Police *vide* Advertisement No. 704/511 after found fit in medical examination and for grant of all consequential benefits.”

3. In the light of the prayer made in the writ petition, appellants could not apprise this Court that their names are reflected in the final select list so as to contend that right has accrued in their favour to consider their names for appointment to the post of Sub-Inspector of Police pursuant to the advertisement No. 704/511. In the light of these facts and circumstances, the appellants have not made out a case so as to issue a direction to the concerned competent authority to appoint appellants to the post of Sub-Inspector of Police.

4. Further question of consideration of their representation is not warranted for the reasons that for issuance of writ of mandamus to consider representation, one must have statutory right/vested right. Such a right has not been pointed out in the present case.



5. For issuance of writ of mandamus Apex Court in the case of *Mani Subrat Jain vs. State of Haryana* reported in (1977) *1 SCC 486* examined in detail namely for issuance of writ of mandamus under Article 226 of the Constitution, a person who approaches Court under Article 226 in seeking writ of mandamus must have a statutory right/vested right. In the light of these facts and circumstances, the principle laid down by the Apex Court in the aforesaid decision is squarely applicable and it is against the request of the learned counsel for the appellants for consideration of their representation.

6. Accordingly, present appeal stands dismissed while confirming the order of the learned Single Judge dated 18.12.2019 passed in C.W.J.C. No. 10160 of 2019.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
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