

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7885 of 2021

1. Nityanand Mahto S/o Late Lakhan Mahto Resident of Village-Khaira Dargah, P.O. Udaypur, P.S. Roseram, Dist-Samastipur
2. Ramnandan Paswan S/o Late Ram Kali Paswan, Resident of Ward NO.4, Narhan, P.S. Bibhutipur, Dist.-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Vikash Bhawan, Baily Road, Patna.
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 Superintendent of Education, Samastipur.
6. The District Education Officer, Samastipur.

... .. Respondent/s

Appearance :

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

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

Date : 14-02-2022

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):-

“For issuance of order/s, direction/s, writ/s preferably in the nature of Mandamus commanding and directing the Respondents concerned to absorb present petitioners on any suitable Class -IV posts who are Ex-Non Formal Education Instructors in the light of direction of this Hon'ble Court as also by Hon'ble



Apex Court despite the fact that petitioners are the petitioners before this Hon'ble Court and Hon'ble Apex Court passed in SLP(civil)No. 32079/2015 till cut-off date i.e. 26.02.2016 as framed by Hon'ble Apex Court and even they have already submitted all the required and relevant papers/documents as demanded by the Respondent authority concerned for their absorption but the authority concerned are sitting tight over the genuine claim of the petitioners."

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 petitioners' representation the competent authority is hereby directed to pass a speaking order and communicate to the petitioners within a reasonable period of time.



(P. B. Bajanthri, J)

Vikash/-

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

