

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8217 of 2021

Jai Prakash Narayan Gupta Son of Late Ram Nayan Gupta Resident of Minwa, PO- Minwa, Sub District - Sahjanwa, District- Gorakhpur, Presently Residing at C/o Murarilal Gupta, Near House Sita Ji, Parmeshwar Singh Lane, Waste Lohanipur, P.S. - Kadamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Principal Secretary, Finance Department, Government of Bihar, Patna
4. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
5. The State Election Commission, Sone Bhawan, Beer Chand Patel Marg, Patna
6. The Secretary, State Election Commission, Sone Bhawan, Beer Chand Patel Marg, Patna

... .. Respondent/s

Appearance :

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

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

Date : 25-03-2022

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

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

“(i) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to pay pensionary benefit to the petitioner like the government servant as per the direction of the Hon’ble Court case of regularization of the petitioner and others is pending before the State Government since 2010.



(ii) For grant of any other relief or reliefs for which deemed entitled into the facts and circumstances of the case.”

The aforesaid relief is not supported by the demand before the competent authority. In the absence of legal or vested right followed by demand before the competent authority petitioner is not entitled to writ of mandamus 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, petition stands disposed off reserving liberty to the petitioner to apprise the competent authority in furnishing detailed representation with reference to service particulars. If such representation is submitted within a period of eight weeks from the date of receipt of this order, the concerned respondent is hereby directed to take note of and decide the matter within a reasonable period of time.

(P. B. Bajanthri, J)

Vikash/-

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

