

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6675 of 2020

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Dr. Bipin Kumar, Son of Sri Kusheswar Singh, Resident of Village + P.O.
Dariyapur (Dih), P.S.- Barahia, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through it's the Principal Secretary, Health Department, Govt. of Bihar, Vikash Bhawan, Bailley Road, Patna.
2. The Director in Chief, Health Department, Govt. of Bihar, Vikash Bhawan, Bailley Road, Patna.
3. The Civil Surgeon-Cum- Member Secretary, District Health Society, Begusarai.
4. In Charge, Referral Hospital Manjhaul, District- Begusarai.
5. In Charge Baliya Primary Health Centre Vaishali.
6. The District Programme Manager District Health Society, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate
For the Respondent/s : Mr. Mujtabaul Haque (GP-12)

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

Date : 10-01-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

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

“(I) For issuance of Writ in the nature of mandamus or
any other appropriate writ directing the Respondent
authorities to give salary PB-3-6600 of pay scale
specialist Grade-II as well as three annual increment
according to notification issued by the Finance
Department vide letter no. 3A-2 Wo.Puo 05/2014-
1900-Bo dated 25.2.2014 as well as amend notification



dated 20.7.2015 vide letter no. 3A-2 Wopuo- 05/2014-6415/Bo.

(II) For issuance of any appropriate Writ, order or direction which your lordships may deem fit and proper in the facts and circumstances of the case.”

4. For issuance of Writ of mandamus, one must establish the vested/legal right followed by demand before the competent authority. Both the ingredients are not forthcoming from the petition.

5. Accordingly, the present petition stands dismissed in the light of Hon’ble Supreme Court decision rendered in the case of *Mani Subrat Jain V. State of Haryana & Ors.*, reported in *(1977) 1 SCC 486*, reserving liberty to the petitioner to establish his vested/legal rights in demanding before the competent authority within a period of eight weeks’ from the date of receipt of a copy of this order.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2022
Transmission Date	NA

