

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9575 of 2021

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Ram Bilas Singh, son of Late Sukhadeo Singh, resident of village and PO-
Mahendrapur, District-Begusarai, At present resident of mohalla-Sahjanand
Nagar Hemra Road, Ward No.40, PO-Begusarai, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. The Principal Secretary, Health Service, Department of Health, Government of Bihar, Vikash Bhawan, Patna.
3. The Joint Secretary, Health Service, Government of Bihar, Vikash Bhawan, Patna.
4. The Director-in-Chief, Health Service, Government of Bihar, Vikash Bhawan, Patna.
5. The Regional Deputy Director of Health Service, Patna Commissionery, Patna.
6. The Civil Surgeon cum Chief Medical Officer, Kaimur, District-Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Kumar Ishwar
For the Respondent/s : Mr.

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

Date : 18-02-2022

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

2. State counsel accept notice for respondents.

3. Learned counsel for the petitioner is hereby
directed to furnish copy of the petition to the State counsel, if it
is not already served.

4. In the instant petition, petitioner has prayed for



following reliefs:-

“(i) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the respondents to make payment of arrears of salary/ rest of the salary to the petitioner during suspension. As during suspension period the petitioner has given only subsistence allowances. The petitioner has retired from his service on 31.08.2019 and he is entitled under law for his full salary of his suspension period.

(ii) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the respondents to give the monetary benefits of first time bound promotion to the petitioner as the respondent has already issued direction for first time bound promotion to the petitioner on 30.06.1999 with effect from 15.07.1991 by which the respondents have given first time bound promotion to the petitioner vide the Notification no. 43/28/98/263 (4) dated 30.6.1999 as contained in Annexure- 4 to this application. But the Ist time bound promotion, monetary benefits has not given to the petitioner to which the petitioner is entitled under the law.

(iii) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the respondents to give second time bound promotion to which the petitioner is entitled. That the Respondents have not given the second time bound promotion to the



petitioner.

(iv) For issuance of an appropriate writ, order, direction in the nature of mandamus for Commanding and directing the respondents to give Assured Career Progression (A.C.P.) benefits to the petitioner That the petitioner as not given the A.C.P. benefits to which the petitioner is entitled under the law.

(v) For issuance of an appropriate writ, order, direction in the nature of mandamus for commanding and directing the respondents to give the petitioner arrear of his salary, service benefits, promotional benefits, for which the petitioner is entitled under the law as the petitioner has not given the service benefits/promotion benefits by the respondents which the petitioner is entitled in law.

(vi) For issuance of an appropriate writs orders direction as your Lordship may deem fit & proper in interest of justice to the petitioner for which he is entitled under the law.”

5. Aforesaid relief is not supported by legal/statutory right followed by demand before the competent authority. In the absence of demand before the competent authority, question of issuance of writ of mandamus is not warranted in the light of Apex Court’s decision rendered in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276*.



6. Accordingly, the present petition stands dismissed reserving liberty to the petitioner to approach the competent authority in establishing his right for the relief stated in the present petition. If such representation is submitted along with material information within a period of eight weeks from the date of receipt of this order, the competent authority is hereby directed to examine the petitioner’s grievance at the earliest since he has already attained age of superannuation and retired from service.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.03.2022
Transmission Date	

