

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9740 of 2021

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Akhaury Sushil Kumar Son of Akhaury Damodar Prasad Resident of Village-
Seora, Post Office-Phulwaria, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department,
Government of Bihar, Patna
2. The Secretary, Department of Finance, Government of Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Collector, Gaya.
5. The Sub Divisional Officer, Sadar, Gaya.
6. The Treasury Officer, Gaya.
7. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad
For the Respondent/s : Mr. Lalit Kishore (Ag)

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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 accepts notice for respondents.

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

“That this application is being filed
for issuance of a writ in the nature of
Mandamus directing/commanding the
Respondents authority to grant promotion of
IIIrd ACP in the light of Government Letter
dated 14.07.2010 issued by the Finance
Department and pay the differential amount of
arrears of salary, re-fix pension and pay the



differential amount of pensionary benefits with up-to-date penal interest @ 8 % in the light of judicial order passed by the Hon’ble Supreme Court in the case of D.D. Tiwary and several other cases.
That any other relief or reliefs for which the petitioner is entitled may be granted by this Hon’ble Court.”

4. The aforesaid relief is not supported by legal and statutory right followed by demand before the competent authority. For issuance of writ of mandamus, the aforesaid ingredients are warranted in terms of the Apex Court decision in the case of *Mani Subrat Jain Vs. State of Haryana* reported in (1977) 1 SCC 486.

5. Accordingly, petition stands dismissed, reserving liberty to the petitioner to file a detailed representation before the competent authority with reference to service particulars read with the relevant provisions of law. If such a detailed representation is submitted, the competent authority is hereby directed to examine the petitioner’s grievance and redress the same at the earliest.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.02.2022
Transmission Date	

