

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10033 of 2021

=====

Ajay Kumar Son of Birendra Kumar Bhagat resident of Village- Chhotaki
Delha, Tekari Road, Police Station- Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The General Administration Department through its Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Minor Irrigation Department through its Secretary, Government of Bihar, Patna.
5. The Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
6. The Additional Secretary, Minor Irrigation Department, Government of Bihar, Patna.
7. The Engineer-in- Chief, Minor Irrigation Department, Government of Bihar, Patna.
8. The Departmental Promotion Committee convened for consideration of cases of promotion of the Assistant Engineers to the post of the Executive Engineer through its Chairperson.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Sita Ram Yadav (GP16)

=====

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

Date : 23-02-2022

Heard learned counsel for respective parties.

Learned State counsel accepts notice for respondents.

Learned counsel for the petitioner is hereby directed to
furnish a copy of the petition to learned counsel for the State if it
not already furnished.

In the instant petition, petitioner has prayed for the fol-
lowing relief(s):-



“(i) To issue a Writ in the nature of Mandamus commanding the respondents to consider the case of the petitioner for promotion and after consideration of the same, to issue a Writ in the nature of Mandamus commanding the respondents to grant promotion to the petitioner on the post of the Executive Engineer with effect from the date when similarly situated persons have been granted promotion and to grant consequential monetary and other admissible benefits attached with the said promotional post.

(ii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

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 petitioner 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 petitioner’s represen-



tation the competent authority is hereby directed to pass a speaking order and communicate to the petitioner within a reasonable period of time.

(P. B. Bajanthri, J)

Vikash/-

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

