

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9445 of 2020**

=====

Kusumlata Kumari, daughter of Shailendra Prasad, resident of Village - Kirtipur Police Station- Parwalpur, District- Nalanda, at present wife of Gautam Kumar, resident of Village Suhawanpura Sudhi, Ward No. 10, Block and Police Station- Islampur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare Department, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The District Programme Officer, Nalanda.
4. The Block Development Officer, Islampur, Nalanda.
5. The Child Development Project Officer, Islampur, Nalanda.
6. Rekha Kumari, Wife of Satyendra Prasad, Resident of Village Suhawanpura Sudhi, Ward No. 10, Block and Police Station- Islampur, District - Nalanda.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate  
For the Respondent/s : Mr. Lalit Kishore ( Ag )

=====

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

**Date : 04-01-2022**

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

2. Heard learned counsel for the parties.

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

“I. For issuance of a writ in the nature of mandamus for commanding and directing the respondent no.3 to fix the date of Aam Sabha at an earliest.

II. For issuance of an appropriate writ, order or direction for commanding and directing to the respondents to make an enquiry of the panel prepared



for selection of Sewika under Ward No.10 in Sudhi Panchayat under Islampur Block.

III. For any other relief/reliefs to which the petitioner may be entitled to.”

4. In the absence of representation or demand before the competent authority, the petitioner is not entitled for a writ of mandamus in the light of Apex Court decision in the case of **Mani Subrat Jain vs State of Haryana and Ors**, reported in **(1977) 1 SCC 486** held as under:

*"9. The High Court rightly dismissed the petitions. It is elementary though it is to be restated that no one can ask for a mandamus without a legal right. There must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by some one who has a legal duty to do something or to abstain from doing something (See Halsbury's Laws of England 4th Ed. Vol. 1, paragraph 122; State of Haryana v. Subash Chander Marwaha & Ors. (1) Jasbhai Motibhai Desai v. Roshan Kumar Haji Bashir Ahmed & Ors. (2) and Ferris Extraordinary Legal Remedies paragraph 198."*

5. Accordingly, the writ petition stands disposed of reserving liberty to the petitioner to approach the concerned authority in submitting representation/application for the purpose



of constitution of a Sabha and consequential relief sought in the present petition.

6. If such representation is submitted within a period of one month from the date of receipt of a copy of this order, the concerned respondent is hereby directed to decide the petitioner’s representation/application within a period of one month from the date of submission of petitioner’s representation/application.

**(P. B. Bajanthri, J)**

uday/-

|                   |             |
|-------------------|-------------|
| AFR/NAFR          | NAFR        |
| CAV DATE          | NA          |
| Uploading Date    | 11 .01.2022 |
| Transmission Date | NA          |

