

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3003 of 2021

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1. Sandhya Kumari @ Sandhya Pandey W/o Nawal Kishor Pandey resident of Village- Bishunpura, P.O.- Damodarpur, P.S.- Chakiya, District- East Champaran.
 2. Varun Kumar Pandey S/o Rishideo Pandey resident of Village- Ward No. 5 Masaha, P.O.- Sirauna, P.S.- Sikarganj, District- East Champaran.
 3. Namahkar Mishra S/o Treta Nath Mishra resident of Village- Mathiya Mohan, Narkatiya, P.O. and P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum- Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Director, Mass Education, Education Department, Government of Bihar, Patna.
5. The District Education Officer, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Ms. Shilpa Singh, GA 12

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

Date : 29-01-2022

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

Learned counsel for the petitioner is hereby directed to furnish a copy of the petition to Ms. Shilpa Singh, GA 12, learned counsel for the State-respondents.

In the instant petition, petitioners have prayed for the following relief(s):-



“(a) For issuance of any appropriate writ/s, especially in the nature of mandamus commanding and directing the respondents concerned to observed the petitioners on the post of Class-III and Class-IV under the respondents state as the petitioner are ex-instructor of non formal educations on several grounds including that the state grounds including that the State Government has decided to absorb the non-formal supervisor on Class-III post.

(b) For issuance of any appropriate writ/s, rule or directions as Your Lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioners may be found entitled thereto.”

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

(P. B. Bajanthri, J)

Vikash/-

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

