

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3050 of 2021

1. Manoj Kumar Ram S/O Mukti Nath Ram @ Mukti Nath Mochi Resident of Village - Amala Toli, Chirchiri Bujurg, P.S. - Rajnagar, District- Madhubani, At present working as Clerk at Public Health Centre, Ladania, District- Madhubani.
2. Hari Mohan Chaudhary S/O Late Mahanth Chaudhary Resident of Village - Darhar, P.S. - Hahadurpur, District Darbhanga, At present working as clerk at Public Health Centre, Laukahi, District- Madhubani.
3. Gopal Prasad Sah S/O Late Rameshwar Sah Resident of Village - Mahadev Math, P.S. - Andhara Math, District- Madhubani, At present working as Clerk at Public Health Centre, Laukahi, District- Madhubani.
4. Santosh Kumar S/O Late Raghu Nandan Prasad Resident of Mohalla - Vidyapati Nagar, P.S. - Rajnagar, District Madhubani At present working as Clerk at Public Health Centre, Harlakhi, District- Madhubani.
5. Hemant Kumar S/O Late Ram Sundar Bhandari Resident of Village - Bodhai Bhandari Tola, P.S. - Lakhanaur, District Madhubani, At present working as Clerk at Refaral Hospital, Janjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. The Principal Secretary, General Administration Department Government of Bihar, Main Secretariat, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna.
4. The District Magistrate, Madhubani.
5. The Civil Surgeon-cum- Chief Medical Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Mishra, Advocate
For the Respondent/s : Mr.Manish Kumar, GP 4

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.

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



“(i) For a direction to the Respondents to make payment of recommended pay scale Rs. 4,000-100-6,000/- retrospectively with effect from the date of appointment.

(ii) For a direction to the Respondents to pay all consequential benefits on account of grant of pay scale of Rs. 4,000-100-6,000/- with effect from the date of their initial appointment.

(iii) For a direction to the Respondents to pay arrear of differential amount from the date it had been due.

(iv) For any other relief/relief(s) to which the petitioner may be found entitled to in the eye of law including the cost of litigation to be paid to the petitioner.”

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

