

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1759 of 2021

1. Manoj Kumar @ Manoj Kumar Mehta S/o Dhotan Lal Mehta, Resident of Village-Tedhi Musahari Ward No.-1, P.O.-Musahari, P.S.-Forbesganj, District-Araria.
2. Ramesh Kumar Mehta @ Ramesh Prasad Mehta, S/o Mannulal Mehta, Resident of Village-Ward No.-1 Mushari, P.O.-Musahari, P.S.-Forbesganj, District-Araria.
3. Pradeep Kumar Mehta, S/o Ram Prasad Mehta, Resident of Village-Ward No.-1 Tedhi Mushari, P.O.-Musahari, P.S.-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Commissioner-cum-Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Mass Education, Department of Education, Govt. of Bihar, Patna.
5. The District Education Officer, Araria.
6. The District Program Officer, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Jha
For the State	:	Mr. Umesh Narayan Dubey

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 24-01-2022

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

2. In the instant petition, petitioners have prayed for following reliefs:

“1. That the petitioner prays issuance of an appropriate writ preferably in the nature of mandamus commanding and directing the Respondents concerned to absorb the petitioners on the post of class-III under the Respondents State as the petitioners are Ex-instructors of Adult and non-formal Education on several grounds



including that the state Government has decided to absorb the Non-formal Education Supervisors on Class-III, post. Any/or any other relief/s for which the petitioners are found in the entitled in the facts and circumstance of the case.”

3. For issuance of writ of mandamus two ingredients are necessary, i.e. legal/ statutory vested right followed by demand before the competent authority. Both the ingredients are not forthcoming in the present petition. In absence of the aforesaid ingredients writ petition cannot be entertained in view of Apex Court's decision in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276*.

4. Accordingly, the instant petition stands disposed of reserving liberty to the petitioners to approach the concerned authority by submitting detailed representation along with judicial pronouncements, if any. If such representation is submitted within a period of eight weeks from the date of receipt of copy of this order, the competent authority shall consider the grievance of the petitioners within a reasonable period of four months from the date of receipt of petitioners’ representations.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

