

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10329 of 2020

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1. Ram Lagan Roy S/o Sita ram Roy Resident of Village and P.O.-Mirpur, P.S.-Chiraiya, District-East Champaran
 2. Anita Kumari @ Anita Singh w/o Manoj Kumar Resident of Village Daudpur Kothi Brahampura, P.O.- Mirpur, P.S.- Brahampura, District-Muzaffarpur
 3. Manoj Kumar S/o Shiv Shankar Singh Resident of Village-Doudpur Kothi Brahampur, P.O.-MIT, P.S.-Brahampura, District-Muzaffarpur.
 4. Abhimanu Tiwari S/o Paramhans Tiwari Resident of Village and P.O.-Mirpur, P.S.-Chiraiya, District-East Champaran.
 5. Sanjeev Kumar Thakur, S/o Ramchandra Thakur, Resident of Village and P.O.-Mirpur, P.S.-Chiraiya, District-East Champaran.
 6. Ramchandra Singh S/o Bhikhari Singh Resident of Village and P.O.-Mirpur, District-East Champaran.
 7. Faruk Hussain S/o Hasib Sai Resident of Village and P.O.-Mirpur, P.S.-Chiraiya, 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 Secreary, 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
6. The District Education Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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

Date : 10-01-2022

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



pandemic.

None appears for the petitioners.

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

“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 education 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.”

3. Petitioners have presented the present petition without approaching the concerned respondent. For issuance of writ of mandamus one has to fulfill two ingredients, namely, statutory vested right followed by demand before the competent authority. Both the ingredients have not been apprised before the competent authority in submitting application/ representation. Thus, the present petition is not maintainable for issuance of writ of mandamus under Article 226 of the Constitution.



4. Accordingly, the instant petition stands disposed of reserving liberty to the petitioners to file a detailed representation before the competent authority within a period of eight weeks from the date of receipt of this order, so as to redress the grievance of the petitioners for the purpose of regularization/absorption in the light of Apex Court's decision in case of *Secy., State of Karnataka V. Uma Devi reported in (2006)4 SCC page 1* passed in *CWJC No. 16 of 2021* read with full bench decision in case of *Ram Sevak Yadav & Another Vs. The State of Bihar & Others* reported in *2013(1) PLJR 964* passed in *CWJC No. 267 & 472 of 2010* read with decision of this Hon'ble Court passed in CWJC No. 8418 of 2010.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

