

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.696 of 2021

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1. Savita Kumari W/o Mithlesh Kumar @ Bhashkar Kumar Resident of Village- Pakri Bigha, Police Station- Karai Parashurai, District- Nalanda
 2. Ripu Kumari D/o Deoki Singh W/o Braj Kishore Prasad, Resident of village- Amat, Police Station- Chiksaura, District- Nalanda
 3. Dinesh Prasad Son of Late Deo Sharan Prasad Resident of Village- Belaundhappar, Police Station- Karai, Parashurai, District- Nalanda
 4. Manoranjan Kumar Singh Son of Ramadhin Prasad Resident of Village- Chandar Bigha, Police Station- Chiksaura, District- Nalanda
 5. Brind Prasad Son of Late Shyam Babu Prasad Resident of Village- Daha Bigha, Police Station- Hilsa, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Mass Education, Department of Education, Government of Bihar, Patna
4. The District Magistrate, Nalanda
5. The District Education Officer, Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Subhash Chandra Mishra, SC 16

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

Date : 17-01-2022

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 the following relief/reliefs:

“That this is an application on behalf of the petitioner for issuance of a writ of mandamus or any other



appropriate writ, order or direction in the nature of mandamus, commanding and directing the respondent-authorities to appoint the petitioner against a Class IV post in view of the judgement and order dated 26.02.2016 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) CC No. 32079 of 2015, whereby and where under the order passed in L.P.A. No. 1489 of 2011 of the Hon'ble Patna High Court has been affirmed and alternatively the cases of the petitioners be considered under the policy of Bihar Litigation Police, 2011 and/or to pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances stated hereunder."

3. In the absence of establishing legal/statutory right followed by demand before the competent authority, petitioners are not entitled to writ of Mandamus in the light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana* reported in (1977) 1 SCC 486.

4. Accordingly, writ petition stands disposed off as not maintainable.

5. The present order would not come in the way of submitting a detailed representation to the competent authority within a period of eight weeks from the date of receipt of this order. The competent authority is hereby directed to examine the grievance of the petitioners at the earliest.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	26.01.2022
Transmission Date	

