

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10720 of 2020

1. Nilam Kumari @ Nilam Devi W/o Birendra Kumar Mandal Resident of Village- Majgama, P.O.- Gayari, P.S. and District- Araria.
2. Rajendra Kumar S/o Late Mahendra Prasad Yadav Resident of Village- Kochgama, P.O.- Rampurkoddar Katti, P.S. and District- Araria.
3. Gulab Kumar S/o Basudeo Mandal Resident of Village- Majgama, P.O.- Gayari, P.S. and District- Araria.
4. Sita Ram Mandal S/o Late Agamlal Mandal Resident of Village- Majgama, P.O.- Gayari, P.S. and District- Araria.
5. Md. Mustaque Alam S/o Moiumuddin Resident of Village- Majgama, P.O.- Gayari, P.S. and District- Araria.

... .. 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, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar
For the Respondent/s	:	Binita Singh, SC 28

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 12-01-2022

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



2. In the present petition, petitioners have prayed for the following relief/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. For issuance of a writ of mandamus one must fulfills two ingredients namely establishing legal/statutory right followed by demand before the competent authority.

4. Perusal of the record, it is evident that the petitioners have not demanded the grievance of the petitioners before the competent authority in making representation. Therefore, the present petition is not maintainable in the light of *Mani Subrat Jain V. State of Haryana* reported in (1977) 1 SCC 486.

5. Accordingly, the present petition stands dismissed, reserving liberty to the petitioners to approach the concerned respondent in making a detailed representation and establish legal/statutory right to absorption against one of Class-III or Class-IV post. If such a representation is submitted within a period of eight weeks from the date of receipt of this order, the concerned



respondent shall consider and pass suitable order and communicate
the same at the earliest.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

