

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3831 of 2021

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Babalu Kumar, S/o Lalan Prasad, R/o Village-Kadirganj, Post-Bhadokhara,
P.S.-Darigaon, Dist.-Rohtas, PIN 821115.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Tirhut Range, Muzaffarpur.
4. The S.S.P. of Muzaffarpur. Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha
For the Respondent/s : Mr. Lalit Kishore (Ag)

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

Date : 31-01-2022

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

2. State counsel accepts notice for the respondents.

3. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“I. For issuance of an appropriate writ, order, or
direction in nature of “Mandamus” directing and commanding
the concerned Respondents to make the entire due payment of
total back wages of salary and other benefits from the date of
joining i.e. 01.08.2015 to the date of suspension i.e.
14.02.2020 to the petitioner on account of his reinstated in
response to Hon’ble High Court Order dated 16.08.2019 of
C.W.J.C No. 21132/2018 as similar as the petitioner of CWJC
No. 18337/2016 (Kamlesh Kumar Chaudhary vs. The State of
Bihar & Others) (Annexure-8) And CWJC No. 2468/2019
(Shishupal Kumar Vs. The State of Bihar & Others),
judgement dated 19.02.2019 Annexure-07, of this petition.

II. For issuance of an appropriate writ,
order/orders, direction or directions in nature of Mandamus



directing and commanding the concerned respondent to make payment of entire back wages of full salary of petitioner and others benefits as similar as the benefitted of petitioner of CWJC No. 18337/2016 vide judgement dated 03.01.2018 (Annexure-8) and admissible S.A. from the date of suspension 14.02.2020 in accordance to the service rules as well as CCA Rules-2005.

III. For issuance of any other relief or reliefs to which the petitioner found entitled to in the larger interest of justice.”

4. In the present petition, petitioner has sought, for the issuance of writ of Mandamus. He has not made out a case for the reasons that he has not established legal/statutory right followed by demand before the competent authority.

5. In the light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana* reported in (1977) 1 SCC 486, the present petition is not maintainable, however, in the interest of litigant, petitioner is at liberty to approach the concerned respondent in submitting a detailed representation along with judicial pronouncement within a period of eight weeks from the date of receipt of this order. The concerned respondent is hereby directed to decide it within a period of four months from the date of such representation.

6. With the above observations, writ petitions stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

