

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.558 of 2021

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Premlata Kumari Wife of Bhawesh Kumar Thakur, Daughter of Kailash Bihari Thakur Resident of Village- Hardeochak, Ward No.- 7, P.S.- Ishipur, District- Bhagalpur. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur Division, District Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Child Development Programme officer (C.D.P.O.) Pirpainti, District- Bhagalpur.
5. The Block Development Officer, Block- Pirpainti, District- Bhagalpur.
6. Chanda Kumari wife of Vikram Kumar Thakur Resident of Village- Hardeochak, Ward No.- 7, P.S.- Ishipur, District- Bhagalpur... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate
For the State : Mr. Prashant Pratap, GP 2

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

Date : 13-01-2022

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

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For issuance of direction/directions or order/orders or writ/writs particularly in the nature of mandamus for commanding and directing the respondent authority to provide selection of the candidates.

(ii) For any other incidental and consequential relief to which the petitioner found fit under the fact and circumstances of this case.

(iii) And/or any other relief or reliefs for which the petitioner is found entitled to in the fact and circumstances of this case.”



Perusal of relief it is not crystal clear as to what is the requirement of the petitioner. That apart he has not approached the concerned respondent in making representation. For issuance of writ of mandamus under Article 226 of the Constitution of India two ingredients are mandatory namely legal/vested right and demand before the competent authority in the light of Hon’ble Apex Court decision in the case of **Mani Subrat Jain vs. State of Haryana** reported in **(1977) 1 SCC 486**. Thus, the petitioner has not made out a case so as to issue a direction to the concerned respondent in the light of Hon’ble Apex Court decision cited in **Mani Subrat Jain** (supra).

Hence, the writ petition stands dismissed reserving liberty to the petitioner to approach the concerned respondent in submitting detail and specific representation within a period of eight weeks from the date of receipt of this order. On receipt of the representation, the competent authority is hereby directed to decide the petitioner’s representation within a reasonable period.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

