

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1947 of 2021

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1. Mahadev Ram S/o Deonandan Ram resident of Village - Sahabganj Itahri, Ward No. 10 Dighi, P.s. Murliganj, District- Madhepura and worked as Instructor from 17.10.1994 to 31.03.1998.
 2. Rita Kumari W/o Radheyshyam Yadav resident of Village - haripur Kala, Ward no. - 8 P.s. - Murliganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary Department of Personnel and Administrative Reforms Govt. of Bihar, Patna.
4. The Director Mass Education, Govt. of Bihar, Patna.
5. The District Education Officer, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP 17

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

Date : 25-01-2022

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

In the instant petition, petitioners have prayed for the
following relief(s):-

“(A) For issuance of an appropriate writ/order direction especially in the nature of mandamus directing the respondents authority to absorb the petitioner on the post of Class-II to Class-IV under the employment of State Govt. as the petitioner is ex-instructors of non formal education including the order several rounds respondents authorities have already absorbed the non formal



supervisor class III post in the light of order passed by this Hon'ble Court.

(B) For issuance of any appropriate writ(s) rules or direction especially in the nature of mandamus direction the respondents give a similar treat as the case of other several similar situated has been considered by this Hon'ble High Court as well as the Hon'ble Apex Court.

(C) For issuance of any appropriate writ(s) rules or direction this Hon'ble Court may found fit and proper to the facts and circumstances of the case as well as for which the case petitioner may be found entitled their."

For issuance of writ of mandamus there must be two ingredients namely legal and statutory right followed by demand before the competent authority. Perusal of the writ petition both the ingredients are not forthcoming, therefore, the present petition cannot be entertained 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**.

Accordingly, the present writ petition stands disposed off as not maintainable.

The petitioner is at liberty to approach the concerned respondent in submitting a detailed representation along with the judicial pronouncements, if any. If such representation is



submitted, the concerned authority is hereby directed to decide the petitioner’s representation within a reasonable period of time.

(P. B. Bajanthri, J)

Vikash/-

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

