

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16552 of 2021

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1. Dhirendra Kumar Singh Son of Late Ram Bachan Singh, Resident of Mohalla - SDO Road, P.S. Vaishali, District - Vaishali at Hajipur.
 2. Brajesh Kumar Nirala, Son of Ramchaitra Sharma, Resident of Village - Sultanpur, P.O. - Bhagbanpur, P.S. - Hulasganj, District - Jehanabad.
 3. Anjani Kumar, Son of N.P. Singh, Resident of Village - Sandalpur, P.O. - Amnaur, P.S. - Amnaur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Government of Bihar, Department of Health, New Secretariat, Patna, Bihar.
2. The Director - in - Chief, Health Department, Government of Bihar, New Secretariat, Patna, Bihar.
3. The Staff Selection Commission through the Secretary, B.V. College, Patna - 800014.
4. The Chairman, Staff Selection Commission, B.V. College, Patna - 800014.
5. The Secretary, Staff Selection Commission, B.V. College, Patna - 800014.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the Respondent/s	:	Mr. Neeraj Raj, AC to GA-8
For SSC	:	Mr. Jitendra Kumar Rai, Advocate

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

Date : 17-05-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following

reliefs:-

“1. That the instant writ petition has been filed by the petitioner in nature of mandamus commanding upon the respondents specially the respondent no. 3 to 4 to recommend the name of candidates and to fill up all the remaining vacant posts of Pharmacist advertised, vide advertisement No. 0606 dated 07.04.2006 for 1116 posts of Pharmacists after recalculating the existing vacancies available after joining of candidates and for further order/orders, relief/ reliefs for which in the facts and



circumstances of the case the petitioners are entitled too.”

3. Aforesaid relief is not supported by material information, like statutory right established before the competent authority in submitting application/representation. Thus, the relief sought in the present petition is contrary to the decision of the Apex Court rendered in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276* read with *Union of India Vs. Arulmozhi Iniarasu* reported in *(2011)7 SCC 397*.

4. For issuance of writ of mandamus petitioners have to establish their statutory right vested with them before the competent authority followed by demand. Both the ingredients are not available in the present case.

5. Accordingly, the present petition stands disposed of reserving liberty to the petitioners to submit a detailed representation before the competent authority within a period of eight weeks from the date of receipt of this order. On receipt of petitioners’ application/representation, the competent authority is hereby directed to pass speaking order and communicate the same to the petitioners. Above exercise shall be completed within a period of three months from the date of receipt of petitioners’ application/representation.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2022
Transmission Date	

