

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2143 of 2021

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Bishwanath Ram, S/o Valmiki Ram, Resident of Village-Begamchak, P.O. Gangachak, Masaurhi, District-Patna-804452.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in Chief, Rural Work Department, Government of Bihar, Patna.
4. The Chief Engineer-IV, Rural Work Department, Government of Bihar, Patna.
5. The Superintending Engineer, Advanced Planning Circle, Rural Work Department, Government of Bihar, Vishweshwaraiya Bhawan, Patna.
6. The Executive Engineer, Advance Planning Division No. 2, Punaichak, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Roona
For the Respondent/s : Mr. Ajay, GA 5

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

Date : 25-01-2022

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

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

“(i) For a direction upon the Respondents to consider the case of the Petitioner for regular promotion to the post of Head Clerk, on the basis of his seniority and on the basis of availability of vacant sanctioned posts of Head Clerk.

(ii) Any other order/orders, direction/directions for which the Petitioner is found



entitled to in the facts and circumstances of the present case.”

3. For issuance of writ of Mandamus two ingredients are necessary namely legal/statutory vested right followed by demand before the competent authority. Both ingredients are not forthcoming from the pleadings, therefore, the present petition cannot be entertained.

4. Accordingly, writ petition stands disposed off, reserving liberty to the petitioner to approach the competent authority within a period of eight weeks from the date of receipt of this order. If such a representation along with material information is placed on record, the competent authority is hereby directed to examine the petitioner’s claim for the promotion to the post of Head Clerk within a period of three months from the date of receipt of petitioner’s representation.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.01.2022
Transmission Date	

