

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2965 of 2021

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Ramchandra Prasad Kewat, Son of Ram Manohar Lohia Prasad Kewat,
Resident of Village-Panchgawa, P.O. and Police Station-Semra Bazar,
District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home (Special) Department,
Government of Bihar, Old Secretariat, Patna.
2. The Inspector General of Prison, Government of Bihar, Old Secretariat,
Patna.
3. The Director Administration of Jail, Home (Jail) Department, Government
of Bihar, Old Secretariat, Patna.
4. The Additional Inspector General of Prison, Bihar, Old Secretariat, Patna.
5. The Superintendent of Jail, Adarsh Central Jail, Beur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1
For the Respondent/s : Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-04-2022

Heard learned counsel for the parties.

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

*“That the petitioner prefer the present
writ petition for issuance of a writ in the
nature of mandamus or any other
appropriate writ or writs and direction or*



directions for the following relief or reliefs:

I. For commanding the respondent authorities to reinstate/ regularize the services of the petitioner as the IVth Grade Employee, since the petitioner was discharging the duty of driver regularly from 1997 as there is permanent need of driver in the Central Jail, Beur, Patna.

II. For commanding the respondents to consider the case of the petitioner for appointment in terms of the limited advertisement dated 17.08.2015 issued by the respondents.

III. For issuance of an appropriate writ or order or orders and direction or directions for any other relief or reliefs as Your Lordships may deem fit and proper.”

The aforesaid relief is not supported by demand read with statutory/legal right so as to issue a writ of *mandamus* under Article 226 of the Constitution.

Therefore, *prima facie*, the present petition is not maintainable for issuance of writ of *mandamus* in the light of



Apex Court decision in the case of *Mani Subrat Jain Vs. State of Haryana reported in 1977 (1) SCC 486 read with Union of India vs. Arulmozhi Iniarasu reported in (2011) 7 SCC 397.*

Accordingly, the present petition stands dismissed reserving liberty to the petitioner to approach the competent authority in submitting a detailed representation and establishing legal or statutory right to seek for regularization. If such representation is submitted within a reasonable period of time, the competent authority has to take a decision.

(P. B. Bajanthri, J)

(Rajeev Ranjan Prasad, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2022
Transmission Date	NA

