

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12815 of 2022

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Sandhya Kumari daughter of Shri Arjun Das, Resident of Village - Bajalpura,
Ward No. 13, P.S. - Teghra, District - Begusarai.

... .. Petitioner/s

Versus

1. Bihar School Examination Board Budh Marg, Patna through its Secretary.
2. Secretary, Bihar School Examination Board, Budh Marg, Patna.
3. Rajkiyakrit Shri Visheshwar Rashtriya Uchcha Vidyalay, Teghra, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Adv.
For the Respondent/s : Ms. Namrata Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 23-09-2022 Heard the parties through video conferencing.

The petitioner has filed this writ petition praying for
release of Migration certificate.

Counsel appearing for the Board states that the
petitioner has never approached the Board for the said purpose
and has directly filed this petition.

This court has time and again held that a writ would
not lie for seeking mandamus without making a demand to the
authorities by way of issuing notice for demand of justice.

The view expressed by this Court is fortified by the
judgment passed by the Supreme Court in the case of **Amrit Lal
Berry Vs. Collector of Central Excise, New Delhi & Ors.**
reported in 1975(4) SCC Page 714, in which the Hon'ble Apex



Court has held as under:-

“In the petition of K.N. Kapur and others, we do not even find as assertion that any representation was made against any violation of a petitioner's right. Hence, the rule recognised by this Court in Kamini Kumar Das Choudhury Vs. State of West Bengal³, that a demand for justice and its refusal must precede the filing of a petition asking for direction or Writ of Mandamus, would also operate against the petitioners.”

In view thereof, not sending notice, the writ petition is dismissed at this stage with liberty to file fresh, if needs so arises.

(Sanjeev Prakash Sharma, J)

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Item no.45

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