

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18123 of 2021

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Sandip Kumar, Son of Late Ghanshyam Prasad Singh, Resident of Village -
Amba, P.S. - Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Secretary, Finance Department, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar
For the Respondent/s : Mr. Manish Kumar (GP-4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 22-02-2022

Heard learned counsel for the parties.

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

*“That the present application is
for issuance of writ in the nature of
writ of mandamus directing
Respondent authorities to fix the pay*



of the petitioner at par with Lower Division Clerk as the petitioner's pay is fixed in the scale of Rs.3050/- and pay of other junior clerks are fixed in the scale of Rs.4000/- and they are getting more salary than the petitioner as the petitioner is getting his salary in the scale of Rs.5880/- and several other persons junior to the petitioner are getting the salary in the scale of Rs.7510/- and grade pay of petitioner is fixed Rs.1900/- and grade pay of several juniors to the petitioner are fixed as Rs.2400/-. It is relevant to state here that all the employees are in one cadre and whether the same can be discriminated or a cadre and whether the same can be discriminated or a cadre within cadre can be created by the State authorities and by fixing the pay in the scale of Rs.7510/- and grade pay of Rs.2400/-



to the petitioner as it is given to the other persons, the difference of salary be given to the petitioner accordingly. And/or pass such other order or orders as your Lordships may think fit and proper.”

Petitioner has also filed supplementary affidavit producing certain documents. Perusal of the entire papers, it is evident that petitioner has not filed representation demanding the relief sought in the present petition before the competent authority. For issuance of writ of *mandamus*, two ingredients are necessary, namely, legal/statutory right vested with the concerned person followed by demand before the competent authority, both the ingredients are not forthcoming in the present petition.

Accordingly, the present petition stands dismissed in the light of Apex Court decision in the case of ***Mani Subrat Jain Vs. State of Haryana reported in 1977 (1) SCC 486***, reserving liberty to the petitioner to file a detailed representation before the competent authority establishing his legal/statutory right that he is entitled to a particular pay scale on par with others. If such representation is submitted, the competent



authority is hereby directed to decide the petitioner’s representation within a period of six months.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2022
Transmission Date	NA

