

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3730 of 2021

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Shashi Kumar Singh Son of Late Nunu Prasad Singh Resident of Village and
P.O.- Rahuamani, Near School, Ward No. 04, Bangaon, P.S.- Bangaon,
District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Principal Secretary Department of General Administration, Government of Bihar, Patna.
3. The District Magistrate Saharsa.
4. The Deputy Collector Establishment Saharsa.
5. The Deputy Collector Nazarat, District- Saharsa.
6. The Sub- Divisional Officer Saharsa Sub- division, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar
For the Respondent/s : Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 31-01-2022

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
following reliefs:-

“1. That the petitioner above-
named craves indulgence of this Hon’ble
Court for issuance of order/orders,
direction/directions, writ/writs, preferably in
the nature of mandamus commanding and
directing the Respondent authority



concerned, to issue appointment letter of petitioner for the class-IV post giving relaxation in upper age as despite inclusion of his name in final/modified panel by the Respondent in compliance of order dated 04.09.2015 passed by this Hon'ble Court in C.W.J.C. No. 12581 of 2007 (Shashi Kumar Singh Vs The State of Bihar and others), petitioner has not been issued appointment letter till date and the Respondent authorities are only making correspondence to each other in the name of seeking guidelines in the matter and petitioner has been compelled to work as daily wages since the year 1975. And/or any other relief or reliefs for which the petitioner is found entitled to, in the facts and circumstances of this case.”

3. Crux of the matter is whether petitioner is entitled to upper age relaxation for the purpose of appointment to the post of Class IV or not? In this regard, petitioner has submitted representation on 15.12.2017. Petitioner has not pointed out how he has got vested legal right so as to issue direction to the concerned respondent. In the light of Apex Court's decision in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276* petition is liable to be rejected. Petitioner has not pointed out under which provision of law he is entitled to upper age relaxation for appointment to the post of Class IV. Therefore, the present petition stands dismissed.



4. At this stage, learned counsel for the petitioner submitted that certain directions were issued earlier. The same has not been complied, if it is so, he has remedy of filing contempt. Learned counsel for the petitioner is kept on addressing argument stating that contempt remedy has already invoked. If he has already invoked the remedy, there is no question of writ of mandamus under Article 226 of the Constitution for the second time.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

