

Rabindra Singh Son of Late Rambalak Singh Resident of Village- Karimpur Dadhi, P.O.- Athmalgola, District- Patna, at present Assistant Accounts Officer of the Bihar State Co-operative Land Development Bank, Budhmarg, Patna-1.

Versus

1. The Bihar State Land Development Bank Budh Marg, Patna-1.
2. The Chairman, Bihar State Land Development Bank, Budhmarg, Patna-1.
3. Managing Director, Bihar State Land Development Bank, Budhmarg, Patna-1.

... .. Respondent/s

For the Petitioner/s : Mr.Prem Prakash Arya, Advocate
For the Respondent/s : Mr.Rajesh Prasad Choudhary, Advocate

3 03-07-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondent.

2. The petitioner has approached this Court for issuance of a writ in the nature of mandamus against the respondents concern to pay the salary for the period from October 2006 to 31.03.2012 amounting to Rs. 5,71,966 (Rs. Five Lakhs Seventy One thousand Nine hundred Sixty Six only) which has not been paid to the petitioner.

3. This Court would find that the petitioner has not approached the authorities for payment of amounts alleged to be due in terms of the reliefs claimed in the instant writ proceedings, and thus, obviously there is no refusal by the



authorities to grant the relief.

4. Regarding exercise of jurisdiction under Article 226 of the Constitution of India, it is well settled that only, if there is a demand by a person and refusal by the Authorities to grant what is due; or failure by any Authorities to discharge any duty or obligation, that the extraordinary jurisdiction under Article 226 of the Constitution of India can be invoked by the petitioner for issuance of a writ of mandamus to compel the discharge of such duty or obligation.

5. There being no demand before any Authority, and no failure by any authority to discharge its duty or obligation, this Court does not consider it fit case for exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, in favour of the petitioner.

6. The petitioner would be at liberty to make a representation before the appropriate authority.

7. Accordingly, writ petition is disposed of with liberty.

(Madhuresh Prasad, J)

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