

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8504 of 2023

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1. Rani Kumari, Proprietor, Rani Enterprises Wife of Daya Shanakr Pateshwari Resident of Village-Jogiya, Police Station and P.O.-Chandi, District-Nalanda.
 2. Archana Kumari, Proprietor, Nalanda Enterprises Wife of Sudhir Prasad Singh Resident of Village-Mubarakpur, P.O.-Tulsigarh, Police Station-Chandi, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning and Development Department, Bihar, Government, Patna.
3. The Collector, Bihar Sharif (Nalanda)
4. The Superintending Engineer, Local Area Engineering Organizaton, Work Zone, Patna Division, Patna.
5. The Executive Engineering, Local Area Engineering Organizaton, Work Division-01, Bihar Sharif (Nalanda).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Mr. Vinay Kirti Singh (Ga 2)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-06-2023

In the instant petition, the petitioners have prayed for the following relief:-

“I. For that the concerned respondents may be directed to allot the Work in favour of petitioners in connection with N.I.T. (Tender) No. 15/2022-23 (PR No. 016794/2022-23) dated 15/3/2023 by way of cancelling N.I.T (Short Period Tender) No. 01/2023-24 dated 3/5/2023 as well as setting aside the letter Vide



Memo No. 597 dated 24/4/2023 issued by Respondent No. 5 (Annexure 3 and 3/1).

II For that the concerned respondents may be directed to punish respondent No. 5 for their illegal work.

III For that any other relief/reliefs may also be provided to the petitioner if he deserves the same.”

2. The Writ Court cannot issue a direction for allotment of work unless and until, the petitioners have made out statutory right to seek a Writ of Mandamus. In fact, the Courts have time and again held for issuance of Writ of Mandamus under Article 226 of the Constitution of India, aggrieved person must fulfill two ingredients, namely, statutory right vested with the party and similarly statutory duty vested upon the concerned authority. Both the ingredients are not forthcoming from the pleadings read with material information.

3. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Amrendra/ashish
kr/-

(Jitendra Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	26.06.2023
Transmission Date	

