

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8457 of 2023

1. Rani Kumari, Proprietor, Rani Enterprises Wife of daya Shankar 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, Local Area Engineering Organization, Planning and
Development Department, Bihar Government Patna.
3. The Chief Engineer, Local Area Engineering Organization, Planning and
Development Department, Bihar Government Patna.
4. The Chief Engineer, Local Area Engineering Organization, Planning and
Development Department, Bihar Government, Patna.
5. The Superintending Engineer, Local Area Engineering Organization,
Planning and Development Department, Work Zone, Patna Division, Bihar
Patna.
6. The Collector, Nalanda
7. The Executive Engineering, Local Area Engineering Organization, Work
Division-02, Hilsa, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Vikash Kumar (Sc11)

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 concerning respondents may be directed to allot the work in connection with Short Period Tender No. 4/2022-23 dated 8/2/2023 in favour of petitioners by way of setting aside the letter vide Memo No. 614 dated 21/04/2023 as well as cancelling the Tender No. 1/2023-24 dated 25/4/23 brought by Respondent No. 7.

II For that the concerned respondents may be directed to punish respondent No. 7 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)

(Jitendra Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

