

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15735 of 2024

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Bhushan Kumar S/o Ganesh Dutt R/o vill - Jayprakash Nagar, P.O - Purnea,
P.S - K.Hatt, District - Purnia. (Roll No. 634803)

... .. Petitioner/s

Versus

1. The State of Bihar through its, Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Joint Secretary, Bihar Public Service Commission, Patna.
3. The Examination Controller (TRE-2), Bihar Public Service Commission, Patna.
4. The Director, Higher Secondary Education, Government of Bihar, Patna.
5. The Addl. Secretary, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sita Ram Prasad, Advocate
For the State	:	Advocate General
For the BPSC	:	Mr. Rajni Kant Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner, learned counsel for the State and the learned counsel appearing on behalf of the Commission.

2. The learned counsel appearing on behalf of the State submits that the instant writ application has been filed seeking a writ of mandamus:

(i) To direct the respondents to publish supplementary/revised merit list for class 11-12, Hindi subject School Teacher post under Backward classes (male) category in which petitioner has already been obtained/ secure 64 marks instead of



65 merit cut off marks for Teacher Recruitment Exam (TRE-2) under advertisement no.27/2023 dated 04.11.2023 held by the Bihar Public Service Commission, Patna further, order to appoint the petitioner as 11-12, Hindi subject school teacher post.

(ii) To direct the respondents to declare the petitioner successful candidate for the post of 11-12 Hindi subject school teacher under Backward classes (BC) category because, there are so many vacant seats which has left due to resignation, non-joining or joining in one option or any other reason including the candidate who has not obtained minimum 30% mark in language paper in advertisement no.27/2023 dated 04.11.2023 (TRE-2).

3. The learned counsel for the State next submits that though the petitioner is seeking a writ of mandamus, but then the basic principle for issuance of writ of mandamus is demand and refusal and from perusal of the writ application, it would manifest that the same does not even remotely suggests that the petitioner ever demanded/represented before the authority



competent for the relief prayed for in the instant writ application, as such it is thus submitted that the writ application is devoid of merit as writ of mandamus cannot be issued when there is no refusal on part of the authorities in absence of any representation or demand made by the petitioner.

4. Considering the submission made by the learned counsel appearing on behalf of the State, the writ application is dismissed.

(Satyavrat Verma, J)

Prakash Narayan

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