

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15798 of 2024

Manisha Kumari D/o Sanjay Kumar Sharma Resident of Ward No. 42, Near
Sharma Tola, Mirjapur, Banduar, Begusarai, Police Station- Town, District-
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Sachivalaya, Bailey Road, Patna.
2. Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, Sachivalaya, Bailey Road, Patna.
3. The Director, Secondary Education, Government of Bihar, Vikash Bhawan, Sachivalaya, Bailey Road, Patna.
4. The Chairman, Bihar School Examination Board, Frazer Road, Patna.
5. The Secretary, Bihar School Examination Board, Frazer Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Shri Pankaj Kumar Das, Advocate
For the Respondent/s : Shri P.K. Shahi, Advocate General

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-10-2024 1. Heard learned counsel for the petitioner, learned
AC to Advocate General and learned counsel appearing on
behalf of the Bihar School Examination Board.

2. Learned counsel appearing on behalf of the State,
at the outset, submits that the writ petition is not maintainable
for the reason that a mandamus has been sought upon the
respondent-authorities to issue letter of appointment to the
petitioner as teacher (For Class 9-10 TGT) as per advertisement
contained in Memo No. 9 dated 12.07.2019.

3. Learned counsel appearing on behalf of the State
submits that the petitioner straightway has approached this



Court without first moving before the concerned authorities, seeking redressal of her grievance. It is submitted that the basic principles for issuing a writ of mandamus is demand and refusal but then from pleadings made in the writ application, it would manifest that the same does not even remotely suggest that any demand/representation was made by the petitioner before the authority competent to issue appointment letter in her favour as being pleaded in the writ application.

4. At this stage, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the writ application with liberty to move before the competent authority seeking the relief prayed for in the instant writ application by way of a representation.

5. Permission is accorded.

6. Accordingly, the instant writ application is dismissed as withdrawn.

(Satyavrat Verma, J)

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