

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15856 of 2024

Chinmay Prakash Son of Shri Anil Prakash Resident of Mohalla-Jai Prabha
Nagar, Majhauria Road, P. S. Kaji Mohemmadpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Govt. of Bihar,
Old Secretariat, Patna.
3. Joint Secretary, General Administration Department, Govt. of Bihar, Old
Secretariat, Patna.
4. Bihar State University Service Commission through its Secretary, 8th Floor,
Bihar School Examination Board Academic Building, Buddha Marg, Patna-
800001.
5. Chairman, Bihar State University Service Commission, 8th Floor, Bihar
School Examination Board Academic Building, Buddha Marg, Patna-
800001.
6. Secretary, Bihar State University Service Commission, 8th Floor, Bihar
School Examination Board Academic Building, Buddha Marg, Patna-
800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Kumar, Advocate.
For the Respondent/s	:	Mr. AC to SC-7
For the B.S.U.S.C.	:	Mr. Harsh Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-10-2024 Heard the learned counsel for the petitioner, learned

AC to SC-7 and the learned counsel appearing on behalf of the

Bihar State University Service Commission.

2. The learned counsel appearing on behalf of the

Bihar State University Service Commission at the outset

submits that the writ application is not maintainable, for the

reason that petitioner is seeking a writ of mandamus, when the

basic principle of seeking a writ of mandamus is demand and



refusal. It is next submitted that no doubt from perusal of Annexure-9 to the writ application, it would manifest that petitioner had approached the Chairman/Secretary of the Bihar State University Service Commission for seeking the relief claimed for in the instant writ application but then the said authorities are not the authority competent to decide the case of the petitioner, as the Commission after the result is published becomes functus officio. It is thus submitted that when the petitioner has not moved before the authority competent, raising his grievance, how could the petitioner maintain the instant writ application.

3. The learned counsel appearing on behalf of the petitioner, at this stage, realizing his difficulty, seeks permission to withdraw the writ application with liberty to move before the authority competent for adjudicating his grievance, as raised in the instant writ application.

4. Permission is accorded.

5. Accordingly, the writ application is dismissed as withdrawn with aforesaid liberty.

(Satyavrat Verma, J)

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