

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8178 of 2026

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Pramila Devi Wife of Late Durgakant Jha Resident of Village- Ward No.- 11,
Jagatpur, P.O.- Barail, Police Station and District - Supaul- 852110.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department,
Government of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Block Development Officer, Kahra Block, District- Saharsa.
4. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Verma, Adv.
For the State	:	Mr. Dhurjati Kumar Prasad, GP 14
For the AG	:	Mrs. Nivedita Nirvikar, Sr. Adv.
		Mr. Shashank Shekhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-07-2026

The petitioner has approached this Court for the
following reliefs:

*“For issuance of an appropriate writ/writs in the
nature of mandamus directing and commanding
the respondents to revise and calculate the
pension of the petitioner as per the ACP granted
to the petitioner and make payment the arrears
alongwith the statutory interest without further
delay.*

*“II. For further commanding the respondents to
revise and calculate the pension of the petitioner
as per the 7th Pay Revision as contained in Memo
No.22/2017-755 dated 20.10.2017 alongwith the*



statutory interest.

III. For grant any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.”

2. Learned Advocate for the State, Mr. Dhurjati Kumar Prasad, learned GP-14 raised a preliminary objection with regard to the maintainability of the writ petition on the ground that the petitioner has sought issuance of a writ of mandamus without first approaching the concerned respondents for redressal of her grievance. To support the aforesaid contention, reliance has also been placed on a decision rendered by the Hon'ble Supreme Court in the case of ***Saraswati Industrial Syndicate Ltd. Etc. Vs. Union of India [(1974) 2 SCC 630]***, especially paragraphs 24 and 25 thereof, which clearly ruled that no writ or order in the nature of mandamus would issue when there is no failure to perform a mandatory duty applies.

3. Having confronted with such legal position, learned Advocate for the petitioner submits that he may be allowed firstly to approach before the authority concerned for redressal of the grievance as raised in the present writ petition.

4. Considering the submissions advanced and on perusal of the materials, especially the fact that the petitioner is a septuagenarian,



the present writ petition is hereby disposed of with liberty to the petitioner to file an appropriate representation before the District Magistrate, Saharsa, preferably within a period of four weeks from today. in case such representation is filed, the same shall be considered and disposed off by passing a reasoned and speaking order.

5. Needless to observe, in case claim of the petitioner finds favour, necessary consequential benefits shall be accorded to her.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.07.2026
Transmission Date	

