
(2022) 03 PAT CK 0044

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3870 Of 2021

Sunil Kumar Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 24-03-2022

Acts Referred:

Citation : (2022) 03 PAT CK 0044

Hon'ble Judges : P. B. Bajanthri, J

Bench : Single Bench

Advocate : Gopal Govind Mishra, Md. Asif Kalim

Final Decision : Dismissed

Judgement

Heard learned counsel for respective parties.

In the instant petition, petitioners have prayed for the following reliefs:-

“(i) For direction to the respon-dent authorities to issue appointment letter to the petitioners in pursuant of letter issued by the Indian Oil Corporation Limited vide letter No. E/LPG/RECERT dated 28.12.1998 whereby and whereunder the In-dian Oil Corporation Limited took decision to appoint the one member of the family whose land acquired by the Government of Bihar for running a business of Indian Oil Corporation in accordance with law.

(ii) For further issuance of direc-tion to the respondent authorities for pay-ment of compensation to the petitioners for delay which was caused by the respondent authorities by way of giving promises that they will be appointed when the vacancy will be available in the Indian Oil Corpora-tion Limited.

(iii) And/or any other relief/reliefs admissible under the law in the light of fac-tual profile of this case in the interest of Jus-tice and law of equity before the law as well as rule of promissory estoppel.”

On 31.01.2022, the following order was passed:-

"The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

The Petitioners are seeking for a direction to appoint on regular basis. The petitioners have not pointed out any statutory provision by which they have vested legal right so as to give direction, therefore, petitioners are hereby directed to furnish copy of the relevant notification under which they have right of appointment. If such a notification is not placed on record, the present petition would be dismissed in the light of Apex Court decision in the case of Mani Subrat Jain V. State of Haryana re-ported in (1977) 1 SCC 486.

Re-list this case 28.02.2022."

Learned counsel for the petitioners submitted that in terms of policy decision dated 28.12.1998 respondent authorities issued Notification on 10.07.1999 and list was prepared by the District Magistrate. The petitioners could not apprise this Court that they had submitted an application pursuant to the Notification dated 10.07.1999.

In the absence of production of such application and es-tablishing that the petitioners have statutory and legal right to seek the aforesaid relief the petitioners are not entitled for issuance of writ of mandamus in terms of the Hon'ble Apex Court decision in the case of Mani Subrat Jain (supra).

Accordingly, the present petition stands dismissed.