

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7140 of 2014

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Mahakant Jha Son of Sri Rajendra Jha Resident of Mohalla- West
Lohanipur, P.O+ P.S- Kadamkuan, District- Patna.

..... Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary
2. The Principal Secretary Cum Industrial Development Commissioner,
Department of Industries, Government of Bihar, Patna.
3. The Commissioner, Department of Finance Government of Bihar, Patna.

.....Respondents 1st Set.

4. The Bihar State Export Corporation Through Its Managing Director, 6th
Floor, Land Development Bank Building Budha Marg, Patna.
5. The Managing Director, Bihar State Export Corporation, 6th Floor And
Development Bank Building, Budha Marg, Patna.

.....Respondents 2nd Set.

6. The Bihar State Beverages Corporation Limited Through Its Managing
Director, Vidut Bhawan-II, 1st Floor, Jawahar Lal Nehru Marg, Patna.
7. The Managing Director, Bihar State Beverages Corporation Limited
Vidut Bhawan-Ii, 1st Floor, Jawahar Lal Nehru Marg, Patna.
8. The General Manager, Human Resources And Administration, Bihar
State Beverages Corporation Limited, 1st Floor, Jawahar Lal Nehru Marg,
Patna.

.....Respondents 3rd Set.

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Mishra, Adv

For the Respondent/s : Mr. Iqbal Asif Niazi, AC to SC 4.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 09-02-2015 Heard learned counsel for the parties.

2. The petitioner an employee of Bihar State
Export Corporation, seeks direction from this Court to
the respondent-Bihar State Export Corporation
(hereinafter referred to as the Corporation) for
enhancing his age from 58 to 60 years, so that he can

continue in Bihar State Beverages Corporation Limited.

In this regard, he places reliance on an order of this Court dated 18.05.2012 passed in C.W.J.C No. 2969 of 2012 (Raj Mangal Raut vs the State of Bihar).

3. Learned counsel for the Corporation on the other hand has submitted that the Corporation undergoing the process of winding up and liquidation under company law jurisdiction of this Court is not in a position to even determine the service condition of any employee, inasmuch as, now every aspect has to be decided by the Company Judge.

4. Learned counsel for the petitioner also does not dispute this fact of the Corporation is going under liquidation proceeding and in view of a reasoned order the Official Liquidator has taken possession of the assets of the Corporation but then he submits that the petitioner actually does not want anything else from the Corporation save and except that if the Corporation would pass an order extending his age of retirement, he

(petitioner) may continue to get the benefit of deputation of his working in Bihar State Beverages Corporation. The moment the Corporation is not in a position to take its own decision on account of winding up order passed by this Court, creation of any sort of financial liability or any obligation on the part of Corporation is barred in view of the order of winding up already passed by this Court in exercise of its jurisdiction under Company Law.

5. That being so, this writ application must fail and is, accordingly, dismissed.

6. Nothing said in this order however come in the way of the petitioner to move this Court in company law jurisdiction in the pending company petition for winding up the Corporation. .

(Mihir Kumar Jha, J)

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