

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10076 of 1997

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Syed Manazir Ahsan, Son of late Syed Zakiul Hasan, resident of village Baro,
Police Station Phulwaria, Vira Barauni, District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Co-operative Department,
Government of Bihar, Patna
2. The Bihar State Co-operative Milk Producers Federation Limited, having its
office at Dairy Development Complex, P.O. Veterinary College, Patna town,
Police Station Sheikhpura, District Patna, through its Chief Manager
(Administration).
3. Managing Director, Bihar State Co-operative Milk Producers Federation
Limited, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alope Ranjan, Advocate

For the Respondent/s : Mr. Nilanjan Chatterjee,

For the State : Mr. S. Raza Ahmad, AAG-9

With Mr. Kamil Akhtar, AC to AAG-9

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 02-02-2015

1. This application under Article 226 of the Constitution
of India has been filed seeking a direction to the respondent, Bihar
State Co-operative Milk Producers Federation Limited, Patna
(hereinafter referred to as the COMFED) to consider the case of the
petitioner for his promotion in the grade of Rs. 580-860/- with effect
from 01/03.08.1988. The petitioner has also sought for a direction
for considering his case for further promotion in the higher scale for
the post of Assistant in the years 1991,1994 and 1997 on the ground
that persons junior to him have since been granted promotion in the
aforesaid higher grades on the post of Assistant. The petitioner also

seeks consequential benefit of payment of arrears on account of promotion which he claims that he was entitled to.

2. Learned counsel appearing on behalf of the respondents has drawn my attention to a Full Bench judgment of this Court in case of Vidya Bhushan Singh Abhai vs. The State Co-operative Milk Producer's Federation Limited reported in 2010 (4) PLJR 26 (F.B.) wherein, it has been held that COMFED is not a State within the meaning of Article 12 of the Constitution of India and, therefore, is not amenable to the writ jurisdiction.

3. In such view of the matter, in the light of the Full Bench judgment of this Court in case of Vidya Bhushan Singh Abhai (supra), this writ petition under Article 226 of the Constitution of India cannot be entertained and is accordingly dismissed.

4. The petitioner shall, however, have liberty to approach appropriate forum for the relief as sought for, in the present proceeding.

5. Needless to say that if any question of limitation arises, petitioner shall be at liberty to take a plea for condonation of such delay on the ground that he was pursuing his remedy before this Court in the present proceeding.

ArunKumar/-

(Chakradhari Sharan Singh, J)

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