

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5887 of 2008

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Nagendra Prasad Sinha, son of Shri Nathuni Lal, resident of village
Damawa, Police Station Ghoshi, District Jehanabad.

.... Petitioner

Versus

1. The Bihar State Food and Civil Supplies Corporation Limited through
its Managing Director, Son Bhawan, 5th Floor, Birchand Patel Patna,
Patna 800001.
2. The Managing Director, the Bihar State Food and Civil Supplies
Corporation Limited, Son Bhawan, 5th Floor, Birchand Patel Patna,
Patna 800001.
3. The Chief Claims, the Bihar State Food and Civil Supplies Corporation
Limited, Son Bhawan, 5th Floor, Birchand Patel Patna, Patna 800001.
4. The Chief of Administration, the Bihar State Food and Civil Supplies
Corporation Limited, Son Bhawan, 5th Floor, Birchand Patel Patna,
Patna 800001.
5. The Chief of Vigilance, the Bihar State Food and Civil Supplies
Corporation Limited, Son Bhawan, 5th Floor, Birchand Patel Patna,
Patna 800001.
6. The District Manager, State Food Corporation, Khagaria.
7. The District Manager, State Food Corporation, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate
Mr. Anjani Kumar Sinha, Advocate
For the Respondent/s : Mr. R.S. Pradhan, Sr. Advocate
Mr. Amrendra Narayan Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10. 12-03-2015 Heard Sri Rajendra Narayan, learned senior counsel,

who was assisted by Sri Anjani Kumar Sinha, learned counsel for

the petitioner and Sri Amrendra Narayan Rai, learned counsel,

who appears on behalf of respondents/Bihar State Food and Civil

Supplies Corporation Ltd. (in short "Corporation").

At the very outset, learned counsel for

respondents/Corporation submits that there is provision for appeal

against the order impugned and as such, instead of entertaining the petition on merit, the petition can be disposed of so that the petitioner may avail remedy of appeal.

Sri Rajendra Narayan, learned senior counsel for the petitioner submits that the provision of appeal has been introduced after filing of the writ petition. He submits that the order impugned is ex-parte.

Be that as it may, since there is already remedy of appeal, the Court is of the opinion that instead of entertaining the petition on merit, it can be disposed of granting liberty to the petitioner to avail remedy of appeal.

Accordingly, the writ petition stands disposed of with an indication that if appeal is preferred within a period of eight weeks from today, the appellate authority may not reject the appeal on the ground of limitation since the writ petition was pending since 2008. The appellate authority is required to examine the appeal on its own merit and decide the same preferably within a period of two months from the date of filing of such appeal.

(Rakesh Kumar, J.)

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