IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.550 of 2017

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Digvijay Narayan Singh, S/o Late Surendra Narayan Singh, Resident of Village + P.O.- Madhopur, P.S.- J.B. Nagar (Tarwara), District- Siwan at present dismissed as Assistant cum Lifting Incharge, State Food Corporation, Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation, Govt. of Bihar, Patna through its Managing Director.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Govt. of Bihar, Patna.
5. The Chief of Administration, Bihar State Food and Civil Supplies Corporation, Patna.
6. The District Magistrate, Siwan.
7. The District Manager, Siwan, Bihar State Food and Civil Supplies Corporation.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Bishnu Kant Dubey, Adv.
Mr. Lalmani Sharma, Adv.
For the Respondent-State : Mr. Dhirendra Kr. Singh, AC to GP-9
For the Respondent-BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 01-03-2017 Heard Mr. Bishnu Kant Dubey, learned counsel appearing for the petitioner, Mr. Dhirendra Kumar Singh, learned Assisting Counsel to Government Pleader No.9 for the State and Mr. Shailendra Kumar Singh, learned counsel appearing for the Corporation.

Though the writ petition has been filed questioning the order bearing Memo No.10689 dated 26.8.2016 of the Managing Director, Bihar State Food and Civil Supplies Corporation Limited (hereinafter referred to as 'the Corporation'), whereby the petitioner has been dismissed from service but while setting up such challenge

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the petitioner in paragraph 17 of the writ petition has accepted that he has questioned the dismissal order before the Principal Secretary, Department of Food and Consumer Protection vide a petition present at Annexure-11 on 9.9.2016. Mr. Dubey, learned counsel appearing for the petitioner informs that although it is mentioned as review petition but in substance the petition is an appeal challenging the order of termination.

In the circumstances discussed, where the order of termination passed by the Managing Director of 'the Corporation' has been questioned by the petitioner before the Appellate Authority i.e. the Principal Secretary, Department of Food and Consumer Protection, respondent no.2, I deem it fit and proper to dispose of the writ petition with a direction to the respondent no.2, the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna to consider and dispose of the review petition filed by the petitioner present at Annexure-11 treating it to be an appeal against the order of termination in accordance with law and after opportunity of hearing to the petitioner expeditiously and preferably within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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