

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19354 of 2016

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1. Md. Shamim Alam son of Md. Kadir, resident of Village- Kayastha Tola,
P.S.- Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, New Secretariat, Patna.
2. Bihar State Food and Civil Supplies Corporation Limited, Patna through the Managing Director Sone Bhawan, Birchand Patel Path, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Magistrate, Saharsa.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Patna.
6. The Certificate Officer, Saharsa District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the BSFC : Mr. Aditya Prakash Sahay,
For the State : Mr. Santosh Kumar Mishra, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 16-03-2017 Heard the parties.

For the similar matter the petitioner has approached
this Court vide C.W.J.C. No. 7477 of 2015 which has been
disposed of by the following orders:

“I have heard learned counsel for the
petitioner and the learned counsel appearing for the
Bihar State Food and Civil Supply Corporation.

In view of limited prayer made at the time of
hearing on behalf of the petitioner, this writ
application is being disposed of with a direction to
the respondents not to take coercive steps against
the petitioner for recovery of the certificate amount
for a period of two weeks from today within which
the petitioner would be at liberty to approach the
appellate authority by filing an appeal against the



final order passed by the Certificate Officer.

However, it is made clear that this Court has not formed or expressed any opinion with respect to the merit of the case of the petitioner as the issues involved would have to be considered by the appellate authority itself on its own merit and in accordance with law. The present order is only being passed in view of the fact that the petitioner wants to avail the alternative remedy of appeal. He would also be at liberty to move before the appellate authority for grant of interim relief which would also be required to be considered by the appellate authority on its own merit.

However, if the petitioner fails to prefer any appeal within the aforesaid period of two weeks, then the Certificate Officer would be at liberty to proceed in accordance with law. However, this Court has not formed or expressed any opinion with respect to the merit of the case.”

In such view of the matter, second writ is not maintainable.

Accordingly this writ petition is dismissed. However, petitioner will be at liberty to take legal course in accordance with law.

(Shivaji Pandey, J)

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