

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.651 of 2011

Arising out of

Civil Writ Jurisdiction Case No.932 of 2009

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1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
 2. Financial Commissioner at present known as Principal Secretary, Deptt. of Finance, Old Secretariat, Bihar, Patna.
 3. The Agriculture Production Commissioner, At present known as Principal Secretary, Deptt. of Agriculture, New Secretariat Bihar, Patna.
 4. The Secretary At Present Known As Principal Secretary, Personnel & Administrative Reforms Deptt., Bihar, Patna.
 5. The Joint Secretary, Deptt. of Agriculture, New Secretariat Bihar, Patna.

... .. Appellant/s

Versus

1. Chandra Deo Poddar S/O Late Makudan Lal Poddar R/O Vill.-Bhat Dala, Club Field, P.S.-Thakurganj, Distt.-Bhojpur.
2. The Administrator, Bihar State Agriculture Marketing Board Bihar, (abolished), Pant Bhawan, Bailey Road, Patna.
3. The Secretary, Bihar State Agriculture Marketing Board (abolished), Pant Bhawan, Bailey Road, Patna.
4. The Sub-Divisional-Cum-Special Officer, Agriculture Produce Market Committee (abolished), Thakurganj, Distt.-Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Mandal, S.C. 3
		Mr. Bipin Kumar, A.C. to S.C. 3
For the Respondent/s	:	Mr. Jai Prakash Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-09-2017

Challenging the order passed by the learned Writ Court

on 28.09.2010 in C.W.J.C. No. 932 of 2009 this appeal has been

filed by the State of Bihar.

On 28.09.2010 the writ petition bearing C.W.J.C. No.

932 of 2009 was disposed of in the following terms:-



“2. The validity of the general direction of the Administrator has been considered by this Court under orders dated 27.8.2010, passed in C.W.J.C. No. 12641 of 2010 and other analogous matters and this Court has held the general direction to be in teeth of Section 6 of the Bihar Agriculture Produce Market (Repeal) Act, 2006.

3. Having heard counsel for the parties, the present batch of writ petitions are also disposed of exactly in the same terms which is contained in order dated 27.8.2010, passed in C.W.J.C. No. 12641 of 2010 and other analogous matters and the orders dated 12.2.2007, 12.2.2007, 16.10.2006, 26.3.2007, 26.2.2007, 28.2.2007, 28.2.2007, 28.2.2007 respectively terminating the services of the petitioners are quashed.

4. The writ petitions are, accordingly, allowed.”

This direction for reconsideration has been challenged in this appeal and we are informed that after reconsideration the Committee has already taken a decision and, therefore, the order passed in the writ petition has already been complied with.

Once the matter has been reconsidered by the Committee and an appropriate order passed, as is indicated hereinabove, nothing further remains to be adjudicated in this appeal as the order passed in the writ petition has been complied with and a decision taken against the respondent and if the respondent is aggrieved by the same, he is at liberty to challenge the subsequent action afresh in accordance with law.



With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	09.09.2017
Transmission Date	

