

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8009 of 2016

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1. Sri Nandan Thakur S/o Late Sri Surya Narayan resident of Vill. + P.O. - Rajapakar, P.S. Sabara, District - Muzaffarpur.
 2. Niraj Kumar S/o Sri Sadan Singh resident of Village - Dabara, P.O. Billaure, P.S. Ramgarh Chowk, District - Lakhisarai.
 3. Rahul Kumar S/o Sri Shatrudhan Roy Vill. + P.O. - Nawada, P.S. Bhagwanpur, District - Begusarai.
 4. Suresh Prasad S/o Sri Govind Prasad Singh Mohalla - Salempur, Ward No. 11, P.O. Barh, District - Patna.
 5. Murli Manohar S/o Sri Late Mubtreshwar Mishra Vill. + P.O. - Madhya Maniyari, P.S. Maniyari, District - Muzaffarpur.
 6. Sandhir Kumar S/o Sri Ram Bali Rai Vill. + P.O. - Nawada, P.S. Bhagwanpur, District - Begusarai.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. Bihar State Beverage Corporation Ltd. through its Managing Director, Vidyut Bhawan, 1 Floor, Jawaharlal Nehru Marg, Patna - 800001.
4. The Managing Director, Bihar State Beverage Corporation Ltd., Vidyut Bhawan, I Floor, Jawaharlal Nehru Marg, Patna - 800001.
5. General Manager, Human Resource and Administration, Bihar State Beverage Corporation Ltd., Vidyut Bhawan, I Floor, Jawaharlal Nehru Marg, Patna - 800001.
6. The Managing Director, Industrial Co-operative Federation, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Maruth Nath Roy, Adv.
For the Beverage Corp. : Mr. Girijesh Kumar, Adv.
For respondent no.6 : Mr. Sanjay Paras Mani, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 29-06-2017 Heard learned counsel for the parties.

Learned counsel for the parties are in agreement that the issue raised and contested herein is covered by the issue raised and resolved in the judgment and order passed in C.W.J.C.No.



3914/2016, whereby this Court in consideration of the grievance raised had disposed of the writ petition with the direction to the Managing Director of the Corporation to consider the case of the petitioner of the said writ petition for his continuation bearing in mind that the selection of the petitioner was by way of rehabilitation and which situation has not changed rather continues as on date. Just in the case of the petitioner in C.W.J.C.No. 3914/2016 even the present petitioner is an employee of Industrial Co-operative Federation, who alongwith 14 other were rehabilitated in the Corporation.

Although Mr. Girijesh Kumar, learned counsel for the Beverage Corporation, informs that an L.P.A. has been preferred against the judgment and order passed by this Court in C.W.J.C.No. 3914/2016 but in absence of any stay order passed by the Division Bench, the direction issued by this Court would continue to bind the parties including the respondent Beverage Corporation.

In the facts and circumstances, the writ petition is allowed in terms of the judgment and order passed by this Court in C.W.J.C.No. 3914/2016 casting an obligation on the Managing Director of the Corporation to consider the case of the petitioner of his continuation in the Corporation bearing in mind that the



selection of the petitioner was by way of rehabilitation and there is
no change in circumstances.

(Jyoti Saran, J)

Surendra/-

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