

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.670 of 2011

In

Civil Writ Jurisdiction Case No.3101 of 2007

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1. The State of Bihar
 2. Sri Naveen Kumar, Finance Commissioner Bihar, Patna
 3. Sri M.S. Madhavan, Agriculture Production Commissioner Bihar, Patna
 4. Shri Amir Subhani, Secretary, Personnel & Administrative Reforms Department Bihar, Patna

... .. Appellant/s

Versus

1. Ashok Kumar Jha, S/o Sri Kulanand Jha, R/o Mohallah- Kadirabad, P.S.- University Thana, Town And distt.- Darbhanga At present Posted As Correspondence Clerk, Attached To The Office of Assistant Engineer, Sub-Division, Bihar, Agriculture Marketing Board Darbhanga
2. Bihar Agriculture Marketing Board (under Liquidation) Pant Bhawan, Patna
3. Member of the Committee constituted under Section 6 of the Bihar Agriculture Produce Market Act, 2006.
4. Shri B. Rajendra, Administrator, Bihar Agriculture Marketing Board, Pant Bhawan, Patna.

... .. 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. Prabhat Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-09-2017

Seeking exception to an order dated 28.09.2010

passed by the learned Writ Court in C.W.J.C. No. 3101 of 2007 allowing the writ petition filed by the petitioner, respondent herein, and quashing the termination order and directing for re-examination of the same by a Committee under Section 6 of the Bihar Agriculture Produce Market (Repeal) Act, 2006, this appeal has been filed by the State Government.



Even though learned counsel for the appellants submitted that now in view of the judgment of the Division Bench in the case of **Nand Kumar and others Vs. The State of Bihar & Ors.- 2010 (1) PLJR 763** wherein identical writ petitions have been dismissed by the Division Bench and the S.L.P. filed by the employees have been dismissed by the Supreme Court, this appeal should also be allowed, order passed by the learned Writ Court quashed and the writ petition itself dismissed, but today during the course of hearing of the writ petition it transpires that on the basis of the order passed by the learned Writ Court, the matter was referred to the appropriate Committee and the Committee, during the pendency of the appeal, has decided the issue and the claim of the employees have been rejected.

Once by passing the aforesaid order, the State Government has complied with the directions issued in the writ petition, it is not appropriate to make any further indulgence into the matter. In fact, in view of the aforesaid conduct of the State Government in deciding the matter after reference to the Committee, the entire direction issued in the writ petition has been complied with and the same goes adverse to the employee, the respondent herein.



That being so, no further orders are necessary in this appeal as the order stands complied with, instead, in case the respondent employee has any grievance with regard to the action taken, he may ventilate it in accordance with law and if any such action is taken by the employee, the State Government or the Marketing Federation may raise appropriate objection and bring to the notice of the Court the law laid down in the case of **Nand Kumar and others** (supra) and it would be for the Court to proceed in the matter in accordance with law. For the present, in view of these developments, no further orders are necessary in this appeal as the order passed in the writ petition stood executed and complied with.

The Letters Patent Appeal is, accordingly, disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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