

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13184 of 2016

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Nirmal Kumar Sahay, Son of Sri Jaleshwar Prasad Sahay, Resident of Village & P.O. Mahtaba Bazar, P.S. Bhargama, District- Araria, at Present Resident of Sri Nagar Hata, Hanuman Nagar, P.S. Sadar District – Purnea.

.... Petitioner/s

Versus

1. The state of Bihar through its Principal Secretary, Food and Civil supply, Bihar Patna.
2. Bihar State Co-operative Marketing Union Ltd. through its Chairman, Biscomaun Bhawan, Patna.
3. The Managing Director, Bihar State Co-operative Marketing Union, Biscomaun Bhawan, Patna.
4. The Finance Controller, Bihar State Co-operative Marketing Union, Biscomaun Bhawan, Patna.
5. The Accounts Officer, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.
6. The Special Officer (Establishment) Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
7. The Managing Director, Bihar State Food and Civil Supplies Corporation, Ltd. Sone Bhawan, 5th Floor, Virchand Patel Path, Patna.
8. The District Manager, State Food Corporation, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. B. K. Singh, Advocate
For the Respondent	:	Mr. Vikash Kumar, Advocate
For the BSFC	:	Mr. Mayank Shekhar, Advocate
For the State	:	Mr. Vishwambhar Prasad, A.C. to A.A.G.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the petitioner, State, Bihar

State Food and Civil Supplies Corporation and the Bihar State Co-operative Marketing Union Limited (hereinafter referred to as the ‘BISCOMAUN’)

2. Though the petition has been filed seeking retiral dues but learned counsel for the BISCOMAUN, at the very outset, raises



a preliminary objection relating to maintainability of the writ petition. He relies upon a Special Bench decision of this Court in the case of **The Organizer, Dehri C.D. & C.M. Union Ltd. vs. State of Bihar** reported as **2014(1) PLJR 695**, to contend that the writ petition against BISCOAUN functioning under an elected Managing Committee, being a Co-operative Society registered under the Bihar Co-operative Societies Act, 1935 is not ‘State’ under Article 12 of the Constitution of India and thus, not amenable to writ jurisdiction under Article 226 of the Constitution of India. This Court finds substance in the objection relating to maintainability.

3. In view thereof, the writ petition stands disposed off as not maintainable.

(Ahsanuddin Amanullah, J.)

P. Kumar

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