

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10302 of 2016

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Budhdeo Singh Son of Sri Awadh Prasad Singh Resident of Village Paiga,
P.S.Nasriganj, District Rohtas.

.... Petitioner/s

Versus

1. Multi State Cooperative Land Development Bank, Bihar, Patna through its Managing Director, Multi-State Co-operative Land Development Bank, Budh Marg, Patna - 1.
2. Managing Director, Multi-State Co-operative Land Development Bank, Budh Marg, Patna - 1.
3. Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna through its Managing Director, Bihar State Food and Civil Supply Corporation Limited, Patna.
4. Managing Director, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna.
5. District Manager, Bihar State Food Corporation, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the Land Development Bank	:	Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-11-2017

Heard learned counsel for the petitioner, respondents no. 1 and 2 and respondents no. 3 to 5.

2. The petitioner has moved the Court seeking post retiral benefits. However, the issue which has to be gone into is whether the respondents no. 1 and 2 or 3 to 5 are liable for such payment. The same would necessarily require calling upon the respondents no. 1 and 2 to assist the Court in the present writ petition. Here comes the predicament of the Court; when a Special Bench of this Court in the



case of **The Organizer, Dehri C.D. & C.M. Union Ltd. vs. State of Bihar (Sp. Bench)** reported as **2014 (1) PLJR 695** has held that the writ petition under Article 226 of the Constitution of India is not maintainable at the first instance against the respondents no. 1 and 2. At this juncture, it was brought to the notice of the Court that the said judgment of the Special Bench under appeal has been stayed. However, it has further been brought to the notice of the Court that the appeal was filed by the State of Bihar against only part of the judgment which held that for the period when the Co-operative Society is under supersession and there is an Administrator appointed by the State, for such period, the decision shall be amenable to judicial review under Article 226 of the Constitution of India.

3. Thus, the issue which is not in dispute and the admitted position is that in the said matter before the Hon'ble Supreme Court, neither there is challenge to nor any order contrary has been passed on the decision relating to non-maintainability of a writ petition under Article 226 of the Constitution of India before the High Court against a Co-operative Society being managed by the elected Managing Committee.

4. Faced with the situation, learned counsel for the petitioner prayed that he may be permitted to withdraw the writ petition to move before the appropriate forum, in accordance with law, for the relief



prayed for in the present writ petition.

5. Learned counsel for the respondents do not oppose.

6. Accordingly, the writ petition stands disposed off with liberty aforesaid. If the petitioner moves before the appropriate forum, in accordance with law, the same shall be considered on its own merits, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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