

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1361 of 2017

IN

Civil Writ Jurisdiction Case No. 11740 of 2013

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Bishwanath Singh, Son Of Late Ram Khewal Singh, Resident Of Village - Sobhi
Dumra, P.O. Barka Dumra, P.S. Arrah Mufassil, Distt. - Bhojpur.

.... Appellant/s

Versus

1. The Bihar State Co-Operative Land Development Bank, Budh Marg, Patna.
2. The Managing Director, Bihar State Co - Operative Land Development Bank,
Budh Marg, Patna.
3. The President, Bihar State Co - Operative Land Development Bank, Budh Marg,
Patna.
4. The Chief Account Officer, Bihar State Co - Operative Land Development Bank,
Budh Marg, Patna.
5. The Area Manager, Bihar State Co - Operative Land Development Bank, Mangal
Pandey Path, In Front Of S.P. Kothi, Ara, Distt. Bhojpur.

.... Respondent/s

with

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Letters Patent Appeal No. 1362 of 2017

IN

Civil Writ Jurisdiction Case No. 6511 of 2014

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1. Sidheshwar Prasad Singh, Son Of Late Ranjit Singh, Resident Of Village-
Dullahpur, P.O.- Dullahpur, P.S.- Simari Dist. Buxar.

.... Appellant/s

Versus

1. The Bihar State Co-operative Land Development Bank, Budha Marg, Patna.
2. The Managing Director, Bihar State Co-operative Land Development Bank,
Budha Marg, Patna.



- 3. The President, Bihar State Co-operative Land Development Bank, Budha Marg, Patna.
- 4. The Chief Account Officer, Bihar State Co-operative Land Development Bank, Budha Marg, Patna.
- 5. The Area Manager, Bihar State Co-operative Land Development Bank, Mangal Pandey Path, In Front Of S.P. Kothi, Ara, District Bhojpur.

.... Respondent/s

with

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Letters Patent Appeal No. 1363 of 2017

IN

Civil Writ Jurisdiction Case No. 6708 of 2014

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- 1. Bishwanath Singh, Son Of Late Ram Kewal Singh, Resident Of Village Sobhi Dumra, P.O. Barka Dumara, P.S. Arrah Muffasil, District Bhojpur.

.... Appellant/s

Versus

- 1. The Bihar State Co-operative Land Development Bank Budha Marg, Patna.
- 2. The Managing Director, Bihar State Co-operative Land Development Bank, Budha Marg, Patna.
- 3. The President, Bihar State Co-operative Land Development Bank, Budha Marg, Patna.
- 4. The Chief Account Officer, Bihar State Co-operative Land Development Bank, Budh Marg, Patna.
- 5. The Area Manager, Bihar State Co-operative Land Development Bank, Mangal Pandey Path In Front Of S.P. Kothi, Ara, District- Bhojpur.

.... Respondent/s

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Appearance :
(In LPA No.1361 of 2017)
For the Appellant/s : Mr. Gopal Govind Mishra
For the Respondent/s : Mr. Rajesh Prasad Choudhary



(In LPA No.1362 of 2017)

For the Appellant/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr. Rajesh Prasad Choudhary

(In LPA No.1363 of 2017)

For the Appellant/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr. Rajesh Prasad Choudhary

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-02-2018

Delay of 1 year 342 days, 180 days and 180 days in filing of L.P.A. Nos.1361 of 2017, 1362 of 2017 and 1363 of 2017 is condoned and I.A. Nos.7141 of 2017, 7139 of 2017 and 7140 of 2017 is allowed and disposed of.

Seeking exception to an order dated 14.9.2015 passed by the learned Writ Court in C.W.J.C. No.16267 of 2007 and analogous cases, these appeals have been filed under Clause 10 of the Letters Patent.

Learned Writ Court refused to exercise jurisdiction under Article 226 of the Constitution only on the ground that a Special Bench of this Court in the case of Organizer, Dehri C.D. & C.M. Union Limited vs. the State of Bihar & Ors., reported in 2014(1) P.L.J.R. 695, has held that with regard to the dispute pertaining to service condition of such an employee, the aggrieved should take recourse to Section 84 of the Multi-State Co-operative Society Act, but a writ is not maintainable for the same.



On going through the record, we find that the judgment rendered by the Special Bench in the case referred to hereinabove has been stayed by the Hon’ble Supreme Court in S.L.P. (C) No.13717 of 2014 vide order passed on 15.9.2014 and when the operation of the order passed by the Special Bench was stayed by the Hon’ble Supreme Court, disposal of the writ petitions relying on the same was not proper.

In view of the above, we allow and dispose of the appeals, quash the order, restore the writ petitions to the original file and request the learned Writ Court to proceed in accordance with law. All objections that may be permissible to be raised, including exercise of jurisdiction under Article 226 of the Constitution, shall be taken note of in the writ petition itself.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-02-2018
Transmission Date	

