

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.881 of 2016
IN
Civil Writ Jurisdiction Case No. 12512 of 2015**

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Government of Bihar, Patna
 2. The Manager, State Food Corporation Ltd. Bhagalpur

.... Appellant/s

Versus

1. Nayan Kumar Sinha son of Rajballav Singh, resident of At + P.O. - Rampur, Police Station - Kahalgaon, District - Bhagalpur, the Chairman of Jaytipur PACS, Kahalgaon, Bhagalpur.
2. Krishnadeo Mandal, Son of Late Bisheshwar Mandal, resident of village - Amarpur, P.O. - Channo, P.S. - Rasalpur O.P., District - Bhagalpur, the Chairman of Channo Pankhoriya PACS, Kahalgaon, Bhagalpur.
3. Babu Lal Singh son of Late Asharphi Prasad Singh, resident of At + P.O. - Signa, P.S. - Kahalgaon, District - Bhagalpur the Chairman of Signa Barenii PACS, Kahalgaon, Bhagalpur.
4. Atul Kumar son of Jiteshwar Pandey, resident of At + P.O. - Prashastidih, P.S. - Sabour, District - Bhagalpur, the Chairman of Prashastidih PACS, Kahalgaon, Bhagalpur.
5. Tulsi Mandal son of Late Asharfi Mandal, resident of At - Jangal Gopali, P.O. - Laxmipur Babhania, Via - Ekchari, P.S. - Kahalgaon, District - Bhagalpur, the Chairman of Kairia PACS, Kahalgaon, Bhagalpur.
6. Amin Mandal son of Late Saldeo Mandal, resident of At - Janmahmmadpur, P.O. - Kaliganj, P.S. - Kahalgaon, District - Bhagalpur, the Chairman of Janmahmmadpur PACS, Kahalgaon, Bhagalpur.
7. Mohan Mandal son of Late Kishan Mandal, resident of village - Banshipur, P.O. Shobhnathpur, P.S. - Kahalgaon, District - Bhagalpur, the Chairman of Banshipur PACS, Kahalgaon, District - Bhagalpur.
8. Uday Pratap Singh son of Late Sahdeo Singh, resident of village - Janidih, P.S. - Kahalgaon, District - Bhagalpur, the Chairman of Janidih PACS, Kahalgaon, Bhagalpur.
9. Shekhar Kumar son of Sital Prasad Ram resident of At + P.O. - Mathurapur, P.S. - Kahalgaon, District - Bhagalpur, the Chairman of Mathurapur PACS, Kahalgaon, Bhagalpur.
10. Md. Shamsh Alam, son of Late Fatah Alam, resident of At + P.O. - Maneshamunda, P.S. - Kahalgaon, District - Bhagalpur, the Chairman of Maneshamunda PACS, Kahalgaon, Bhagalpur.
11. Mr. Abhay Kumar Singh, son of late Bechan Singh, resident of At Rampur Kharhara, P.O.-Ekchari, P.S. Rasalpur, District Bhagalpur, the Chairman of Rampur Kharhara PACS, Kahalgaon, Bhagalpur.
12. The State of Bihar
13. The Principal Secretary, Bihar State Food & Civil Supplies Department, Govt. of Bihar, Patna.
14. District Magistrate, Bhagalpur.
15. District Co-operative Officer, Bhagalpur.
16. The District Supply Officer, Bhagalpur.
17. The Sub-Divisional Officer, Kahalgaon, Bhagalpur.



18. The Block Development Officer, Kahalgaon, Bhagalpur.
19. The District Agriculture Officer, Bhagalpur.
20. The Block Co-operative Extension Officer, Kahalgaon, Bhagalpur.
21. The Block Agriculture Officer, Kahalgaon, Bhagalpur.
22. The Block Co-operative Extension Officer, Pirpainti, Bhagalpur.
23. The Sr. Accounting Officer, Co-operative Society, Bhagalpur.
24. The Registrar, Co-operative Society, Patna.
25. The Joint Registrar, Cooperative Society, Bhagalpur.
26. The Secretary, Department of Food and Consumer, Government of India (Union of India), New Delhi

.... Respondent/s

With

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Letters Patent Appeal No. 345 of 2016
IN
Civil Writ Jurisdiction Case No. 12335 of 2015

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1. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Patna
2. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation Purchase Centre, Raxaul, District- East Champaran at Motihari

... Respondents/Appellants

Versus

1. Noniyadih Primary Agriculture Credit Society having registered office at Mahadewa, P.O.- Noniyadih, P.S.- Raxaul through its Chairman Raju Kumar Singh S/o Late Bhanu Pratap Singh village- Mahadewa, P.O.- Noniyadih, P.S.- Raxaul, Dist.- East Champaran

... Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies Corporation, Government of Bihar, Patna
3. The Principal Secretary, Department of Food and Civil Supplies Corporation, Government of Bihar, Patna
4. The District Magistrate, East Champaran at Motihari
5. The District Supply officer, East Champaran at Motihari
6. The Deputy Collector Land Reforms, East Champaran at Motihari
7. The Circle Officer, Raxaul, East Champaran at Motihari
8. The Block Development Officer, Raxaul, East Champaran at Motihari
9. M/S Jagdamba Bhwani Enterprises Pvt. Ltd. Shyampur Bazar, Adapur, Block Raxaul, District East Champaran
10. The Union of India through the Secretary Ministry of Consumer Affairs Food & Civil Supplies.

.... Respondent/s

With

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Letters Patent Appeal No. 1010 of 2016
IN
Civil Writ Jurisdiction Case No. 11865 of 2015

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1. Managing Director, Bihar State Food and Civil Supply Corporation Ltd. Bihar,



Patna.

.... Respondent/Appellant

Versus

1. Gaura Primary Agricultural Cooperative Societies through its Chairman Murlidhar Patel son of Late Mahendra Prasad Resident of village Gaura, Post Gaura, P.S. Kateya, District Gopalganj.

...Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.

3. The Principal Secretary, Cooperative Department, Govt. of Bihar, Patna.

4. The District Magistrate, Gopalganj.

5. The District Co-operative Officer, Gopalganj.

6. The Circle Officer, Kateya, District - Gopalganj.

.... Respondent/s

With

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Letters Patent Appeal No. 969 of 2016

IN

Civil Writ Jurisdiction Case No. 13872 of 2015

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna through the Managing Director.

2. The Managing Director, Bihar State Food and Civil Supply Corporation sone Bhawan, Birchand Patel Path, Patna.

3. The District Manager, Bihar State Food & Civil Supplies Corporation, Sitamarhi, District Sitamarhi.

.... Respondents/Appellants

Versus

1. Anhari Primary Agriculture Credit Cooperative Societies, through its Chairman namely Rakesh Rai, son of Sri Ram Swarath Rai resident of Village and P.O. Anhari, P.S. Riga, District Sitamarhi.

...Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.

3. The Principal Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.

4. The District Magistrate, Sitamarhi, District Sitamarhi.

5. The Sub-Divisional Officer, Sadar, Sitamarhi, District Sitamarhi.

6. The District Supply Officer, Sitamarhi, District Sitamarhi.

7. The Circle Officer, Riga District Sitamarhi.

8. The Block Cooperative Officer, Riga, District Sitamarhi.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 862 of 2016

IN

Civil Writ Jurisdiction Case No. 11066 of 2015

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna through the Managing Director.



2. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
3. The District Manager, Bihar State Food & Civil Supplies Corporation, Sitamarhi, District Sitamarhi.

.... Respondents/appellants

Versus

1. Posua Pataniya Primary Agriculture Credit Cooperative Societies, Riga, Sitamarhi through its Chairman namely Bijendra Kumar Yadav, Son of Sri Ramchandra Rai, resident of Village Buniyadi Tola, P.O. Posua, P.S. Riga, District Sitamarhi.

...Petitioner/Respondent

2. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar. Patna.
4. The Registrar, Cooperative Societies, Bihar, Patna.
5. The Joint Registrar, Cooperative Societies, Tirhut Division, Muzaffarpur.
6. The District Magistrate, Sitamarhi, District Sitamarhi.
7. The Sub-Divisional Officer, Sadar, Sitamarhi, District Sitamarhi.
8. The District Supply Officer, Sitamarhi, District Sitamarhi.
9. The Circle Officer, Riga, District Sitamarhi.
10. The Block Cooperative Officer, Riga, District Sitamarhi.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 523 of 2016

IN

Civil Writ Jurisdiction Case No. 10856 of 2015

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1. The Bihar State Food and Civil Supply Corporation, Patna through its Managing Director
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna
3. The District Manager, Bihar State Food and Civil Supply Corporation, East Champaran, Motihari

.... Respondents/Appellants

Versus

1. Pokhara Primary Agriculture Cooperative Society through its Chairman Jaichandra Yadav Son of Late Kunai Yadav resident of village - Pokhra, P.O. Talwa Pokhar, P.S. Kotwa, District - East Champaran

.....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Food & Consumer Protection, Govt. of Bihar, Patna
3. The District Magistrate, East Champaran, Motihari
4. The District Co - Operative officer, East Champaran, Motihari
5. The Block Co - Operative Officer, Kotwa, District East Champaran

.... Respondents/Respondents

With

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Letters Patent Appeal No. 864 of 2016

IN

Civil Writ Jurisdiction Case No. 11746 of 2015

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1. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd.
Bihar Patna.

.... Respondent/Appellant

Versus

1. Ameya Primary Agriculture Co-operative Society Ltd. through its Chairman
Vikash Tiwary son of Sri Rameshwar Tiwary, Resident of village- Ameya, Post
Mahuwa, Police Station- Kateya, District Gopalganj.

....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Department of Food &
Consumer Protection, Govt. of Bihar, Patna.

3. The Principal Secretary, Co-operative Department, Govt. of Bihar, Patna.

4. The District Magistrate, Gopalganj.

5. The District Co-operative Officer, Gopalganj.

6. The Circle Officer, Kateya, District Gopalganj.

7. The Ministry of Consumer Affairs, Food & Civil Supply, Union of India through
the Secretary.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 823 of 2016

IN

Civil Writ Jurisdiction Case No. 9710 of 2015

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1. The Managing Director, Bihar State Food & Civil Supplies Corporation Sone,
Bhawan, Birchand Patel Path, Patna.

2. The Deputy Chief (Claim), the Bihar State, Food and Civil Supplies
Corporation, Sone Bhawan, Birchand Patel Path, Patna.

3. The District Manager, Bihar State Food and Civil Supplies Corporation, Siwan.

.... Respondents/Appellants

Versus

1. Ghurghat P A C S at and P.O. Ghurghat, P.S.-Siswan, District Siwan, Through
its President Sankar Jee Giri.

2. Sankar Jee Giri, son of late Ram Ekbal Giri, President, Ghurghat PACS,
resident of At and P.O.-Ghurghat, P.S.-Siswan, District-Siwan.

3. Manoj Kumar Giri, son of Sankar Jee Giri, Manager, Ghurghat PACS, resident
of At and P.O.-Ghurghat, P.S.-Siswan, District-Siwan.

4. Tari PACS, at and P.O. Tari, P.S. Raghunathpur, District Siwan through its
President Yogendra Bhagat.

5. Yogendra Bhagat, son of Bikrama Bhagat, President, Tari PACS, resident of at
and P.O. Tari, P.S. Raghunathpur, District-Siwan.

6. Hare Ram Bhagat, son of Kedar Nath Bhagat, Manager, Tari PACS, resident of
at and P.O.-Tari, P.S.-Raghunathpur, District-Siwan.

.....Petitioners/Respondents

7. The State of Bihar through the Chief Secretary, Government of Bihar, Patna,
New Secretariat, Patna.

8. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.

9. The District Magistrate-cum-Collector, Siwan.

10. The Registrar, Cooperative Societies, New Secretariat, Patna.

11. The District Cooperative Officer, Siwan.

12. The Managing Director, Siwan Central Cooperative Bank Ltd. At and P.O.and
P.S. and District-Siwan.



13. The Branch Manager, Siwan Central Cooperative Bank Ltd. At and P.O.and P.S. and District-Siwan.
14. The Loan Officer, Central Cooperative Bank Ltd. At and P.O.and P.S. and District-Siwan.
15. The Union of India through the Secretary, Ministry of Consumer Affairs Food & Civil Supplies.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 799 of 2016

IN

Civil Writ Jurisdiction Case No. 13421 of 2015

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1. The Bihar State Food And Civil Supply Corporation, through its Managing Director, Bihar, Patna.
2. The District Manager, Bihar State Food & Civil Supplies Corporation, Kaimur.

.... Respondent/Appellant

Versus

1. Bharari Kala Primary Agriculture Credit Society Ltd. Chand District - Kaimur at Bhabhua through its Chairman Dadan Singh, S/o Late Nand Lal Singh Resident of Village - Thethua, P.S. - Chand District - Kaimur at Bhabhua.
2. Chouri Primary Agriculture Credit Society Ltd. Chand District Kaimur at Bhabhua through its Chairman Mahendra Singh, Son of Late Sharda Singh, Resident of Village - Bairi Barsiya, P.S. - Chand, District - Kaimur at Bhabhua.

....Petitioners/Respondents

3. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
4. The District Magistrate, Kaimur at Bhabhua.
5. The District Co-operative Officer, Kaimur at Bhabhua.
6. The District Supply Officer, Kaimur at Bhabhua.
7. The Block Co-operative Officer, Chand Bhabhua (Kaimur).
8. The Circle Officer, Chand Bhabhua (Kaimur).

.... Respondents/ Respondents

with

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Letters Patent Appeal No. 914 of 2016

IN

Civil Writ Jurisdiction Case No. 11869 of 2015

=====

1. Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Bihar, Patna.

.... Respondent/Appellant

Versus

1. Mahuwa Primary Agricultural Cooperative Societies through its Chairman Markandey Tiwari son of Uma Pati Sharma resident of village Sheya, Post Gaura, Police Station Kateya, District Gopalganj.

.....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Cooperative Department, Govt. of Bihar, Patna.
4. The District Magistrate, Gopalganj.



5. The District Co-operative Officer, Gopalganj.

6. The District Minority Welfare Officer, District Gopalganj.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 515 of 2016

IN

Civil Writ Jurisdiction Case No. 10432 of 2015

=====

1. The Bihar State Food and Civil Supply Corporation, Patna through its Managing Director.

2. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna.

3. The District Manager, Bihar State Food and Civil Supply Corporation, East Champaran, Motihari.

.... Respondents/Appellants

Versus

1. Bhopatpur Uttari Primary Agriculture Cooperative Society through its Chairman Pradeep Singh son of Late Jaydeo Singh resident of Bishunpur, P.O. Bhopatpur, P.S. Kotwa, District East Champaran.

...Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Department of Food & Consumer Protection, Govt. of Bihar.

3. The District Magistrate, East Champaran at Motihari.

4. The District Co-operative Officer, East Champaran, Motihari.

5. The District Co-operative, Kotwa, District East Champaran.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 861 of 2016

IN

Civil Writ Jurisdiction Case No. 13242 of 2015

=====

1. The Bihar State Food And Civil Supply Corporation, through its Managing Director, Bihar, Patna.

2. The District Manager, Bihar State Food & Civil Supplies Corporation, Kaimur.

.... Respondents/Appellants

Versus

1. Sirbit Primary Agriculture Credit Society Ltd. Chainpur, Bhabhua through its Chairman Anil Kumar Patel Son of Late Birendra Singh Resident of Village Masoi, Panchayat- Sirbit, P.S. Chainpur, District- Kaimur.

2. Mokari Primary Agriculture Credit Society Ltd. Bhabhua, Kaimur through its Chairman Ram Dular Singh son of Late Ramadhar Singh Resident of Village Makri, Panchayat- Makri, P.S Bhabhua, District- Kaimur.

3. Manihari Primary Agriculture Credit Society Ltd. Bhabua, Kaimur through its Chairman Gautam Kumar Singh son of Ramdhwaja Singh resident of Village Barna, Panchayat- Manihari, P.S. Bhabhua, District- Kaimur.

4. Kohari Primary Agriculture Credit Society Ltd. Kohari, Bhabhua Kaimur through its Chairman Surendra Kumar Tiwari Son of Late Kameshwar Tiwari Resident of Village Jamuwaon, P.S. Bhabhua District Kaimur.

5. Machhui Primary Agriculture Credit Society Ltd. Chainpur, Bhabhua Kaimur through its Chairman Rajesh Kumar Singh Son of Sri Shyam Bihari Singh,



resident of Village Machhui Panchayat Machhui P.S. Chainpur, District Kaimur.

....Petitioners/Respondents

6. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
7. The District Magistrate, Kaimur at Bhabhua.
8. The District Co-operative Officer, Kaimur at Bhabhua.
9. The District Supply Officer, Kaimur at Bhabhua.
10. The Block Co-operative Officer, Bhabhua (Kaimur).
11. The Circle Officer, Bhabhua (Kaimur).

.... Respondents/Respondents

With

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Letters Patent Appeal No. 822 of 2016

IN

Civil Writ Jurisdiction Case No. 11754 of 2015

=====

The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd. Sone Bhawan, Patna.

.... Respondent/Appellant

Versus

1. Anand Mohan Sharma, son of Sri Siddeshwer Sharma, resident of village+P.O. Lala Bhadsara, P.S. Dulhin Bazar Patna. Also elected Chairman of Lala Bhadsara Primary Agriculture Cooperative Credit Society.
2. Ramesh Chandra Singh, son of late Jivnath Singh resident of village Itchapur P.O. Jamui, P.S. Dulhin Bazar Patna. Also Elected Chairman of Soniama Primary Agriculture Cooperative Credit Society.
3. Akhileshwar Kumar, son of late Bhopali Rai resident of village Harpura P.O. Pihuli P.S. Dulhin Bazar, Patna. Also elected Chairman of Narhi Pirahi Primary Agriculture Cooperative Credit Society.
4. Krishan Murari Singh, son of late Lekh Narayan Singh resident of village Dharampura Kharava, P.O. Lala Bhadsara, P.S. Dulhin Bazar Patna. Also Elected Chairman of Salhori Belhori Primary Agriculture Cooperative Credit Society

....Petitioners/Respondents.

5. The State of Bihar.
6. The Chief Secretary State of Bihar, Patna.
7. The Registrar, Cooperative Department, Patna, Bihar.
8. District Magistrate, Patna.
9. District Cooperative Officer, Patna.
10. The Union of India through its Secretary, Food and Consumer.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 903 of 2016

IN

Civil Writ Jurisdiction Case No. 13477 of 2015

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1. The District Manager, Bhagalpur, Bihar State Food & Civil Supplies Corporation Ltd.

.... Respondent/Appellant



Versus

1. Bhurhion Mahiyama Pacs, Bhagalpur through its Chairman namely Daya Shankar Mishra son of late Parmanand Mishra Resident of village Vishwashpur, P.S. Sonhaura, District Bhagalpur.

....Petitioner/Respondent

2. The State of Bihar.

3. The District Magistrate, Bhagalpur.

4. The District Co-operative Officer, Bhagalpur.

5. The Block Cooperative Officer Sanhaura District Bhagalpur.

6. The Managing Director, Cooperative Bank Ltd. Bhagalpur, District Bhagalpur.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 820 of 2016

IN

Civil Writ Jurisdiction Case No. 11818 of 2015

=====

1. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd. Patna

.... Respondent/Appellant

Versus

1. Rajneesh Kumar Singh Son of Late Chandra Kishore Singh Resident of village - Raghunathpur, Post Raghunathpur, P.S. Ramgarhwa, District East Champaran, Presently the Chairman, the Primary Agriculture Credit Society, Raghunathpur, under Block - Ramgarhwa, Sub District Raxaul, District East Champaran (Motihari)

.....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Government of Bihar, Patna

3. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna

4. The Managing Director, Bihar State Corporative Bank Lmt. Patna

5. The Divisional Commissioner Tihut Division, Muzaffarpur

6. The District Magistrate, East Champaran, Motihari

7. The Deputy Collector Land Reforms, East Champaran, Motihari

8. The Supply Officer, East Champaran, Motihari

9. The District Development Commissioner, East Champaran, Motihari

10. The District Co - Operative officer, East Champaran, Motihari

11. The Sub - Divisional officer, Raxaul, District East Champaran, Motihari

12. The Block Development officer, Ramgarhwa, Sub - Division, Raxaul, District East Champaran, Motihari

13. The Block Supply Officer, Block - Ramgarhwa, Sub - Division, Raxaul, District East Champaran, Motihari

.... Respondents/Respondents

With

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Letters Patent Appeal No. 821 of 2016

IN

Civil Writ Jurisdiction Case No. 10796 of 2015

=====

1. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd. Sone Bhawan, Patna at Present R. Block, Patna



2. The District Manager, State Food Corporation, East Champaran, Motihari

.... Respondents/Appellants

Versus

1. Panchpokharia Primary Agriuculture Credit Co - Operative Society Ltd. through its Chairman Satyendra Kumar Son of Late Kapildeo Prasad resident of village - Panchpokharia, P.O. Tikulia, P.S. Mahuawa, District - East Champaran

....Petitioner/Respondent

2. The State of Bihar

3. The Principal Secretary, Department of Food & Consumer Protection, Govt. of Bihar, Patna

4. The Pincipal Secretary, Department of Co - Operative, Govt. of Bihar, Patna

5. The Divisional Commissioner, Tirhut Division, Muzaffarpur

6. The District Magistrate, East Champaran, Motihari

7. The District Supply Officer, East Champaran, Motihari

8. The District Co - Operative officer, East Champaran, Motihari

9. The Executive Officer, Nagar Parishad, Raxaul Cum - Mentors, Adapur Block, East Champaran

10. The Block Development officer, Adapur, East Champaran, Motihari

11. The Block Co - Operative/Extension officer, Adapur, East Champaran

.... Respondents/Respondents

with

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Letters Patent Appeal No. 867 of 2016

IN

Civil Writ Jurisdiction Case No. 11563 of 2015

=====

1. The Managing Director, Bihar State Food Co-operative, Patna.

.... Respondent/ppellant

Versus

1. Mukesh Kumar Ojha, Son of Dhruv Nath Ojha, reident of Village Sheonagar Satpipara, Post & P.S. Ramgarhwa, District East Champaran, at Present the Chariman, of Sheonagar, Inarva, under Block- Ramgarhwa, District East Champaran, at (Motihari).

...Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Government of Bihar, Patna.

3. The Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.

4. The Managing Director, Bihar State Corporation Bank Lmt. Patna.

5. The Commissioner Tihut Divison, Muzaffarpur.

6. The District Magistrate, East Champaran Motihari.

7. The Deputy Collector Land Reforms, East Champaran, Motihari.

8. The District Supply Officer, East Champaran Motihari.

9. The District Development Commissioner, East Champaran, Motihari.

10. The District Co-operative officer, East Champaran, Motihari.

11. The Sub-Divisional Officer, Raxaul, District, East Champaran, Motihari.

12. The Block Development Officer, Ramgarhwa, Sub-Division- Raxaul, District- East Champaran, Motihari.

13. The Block Supply Officer, Block- Ramgarhwa, Sub Division- Raxaul, District East Champaran, Motihari.



14. The Managing Director, Bihar State Food Co-operative, Patna.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 1009 of 2016

IN

Civil Writ Jurisdiction Case No. 11861 of 2015

=====

1. Managing Director, Bihar State Food And Civil Supply Corporation Ltd., Bihar, Patna.

.... Respondent/Appellant

Versus

1. Ahirauli Dubhauli Primary Agricultural Cooperative Societies through its Chairman Markandey Rai Sharma son of Late Pahwari Sharma resident of village - Ahirauli Dubhauli, Post - Narahwa Sukul, Police Station - Gopalpur, District - Gopalganj.

....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.

3. The Principal Secretary, Cooperative Department, Govt. of Bihar, Patna.

4. The District Magistrate, Gopalganj.

5. The District Co-operative Officer, Gopalganj.

6. The Block Development Officer, Kuchaikot, District Gopalganj.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 415 of 2018

IN

Civil Writ Jurisdiction Case No. 11736 of 2015

=====

1. The Managing Director, Bihar State Food Cooperative, Patna.

.... Respondent/Appellant

Versus

1. Ranjeet Kumar Singh son of Sri Muktinath Singh Resident of village Mangalpur Post - Patni, P.S. Ramgarhwa, District East Champaran, Presently the Chairman, Primary Agricultural Co-operative Society, Uchchi Bhalia under Panchayat - Patni, Block - Ramgarwan, Sub District Raxaul, District East Champaran (Motihari).

....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Government of Bihar, Patna.

3. The Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.

4. The Managing Director, Bihar State Corporation Bank Ltd. Patna.

5. The Commissioner Tirhut Division, Muzaffarpur.

6. The District Magistrate, East Champaran, Motihari.

7. The Deputy Collector Land Reforms, East Champaran, Motihari.

8. The District Development Commissioner, East Champaran, Motihari.

9. The District Co-operative Officer, East Champaran, Motihari.

10. The Sub-Divisional Officer, Raxaul, District East Champaran, Motihari.

11. The Block Development Officer, Ramgarhwa, Sub-Division- Raxaul, District East Champaran, Motihari.



12. The Block Supply Officer, Block - Ramgarwa Sub Division Raxaul, District East Champaran, Motihari.

13. The Union of India through the Secretary, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhawan, New Delhi.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 416 of 2018

IN

Civil Writ Jurisdiction Case No. 13188 of 2015

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1. The Bihar State Food Corporation Through Its Managing Director

2. The District Manager, state Food Corporation, East Champaran, Motihari

.... Respondents/Appellants

Versus

1. Md. Parwez Alam son of late Abdul Gani resident of village- Balua Gua Bari, P.O. Balua Tola, Police Station- Kundwa Chainpur, District- East Champaran (Motihari), at present Chairman, Balua Gua Bari Primary Agriculture Co-operative Society, Block Dhaka, District- East Champaran (Motihari).

2. Madhurendra Kumar son of late Ram Babu Singh, resident of village + P.O. Karsahia, Police Station- Dhaka, District- East Champaran (Motihari) at present Chairman, Karsahia Primary Agriculture Co-operative Society, Block Dhaka, District- East Champaran (Motihari).

....Petitioners/Respondents

3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

4. The Principal Secretary, Co-operative Department, Govt. of Bihar, Patna.

5. The Divisional Commissioner, Tirhut Division Muzaffarpur.

6. The District Magistrate, East Champaran at Motihari.

7. The Senior Deputy Collector, East Champaran at Motihari.

8. The District Cooperative Officer, East Champaran at Motihari.

9. The Block Development Officer cum the then Enforcement Officer, Dhaka, District- East Champaran.

10. The Circle Officer cum Enforcement Officer, Dhaka,, District- East Champaran.

11. The Block Cooperative Extension Officer, Dhaka, District- East Champaran.

12. The Block Extension Officer cum Incharge, Purchase Centre, Dhaka, District- East Champaran.

13. The Motihari Central Cooperative Bank represented through its Managing Director

14. The Branch Manager, Motihari Central Cooperative Bank, District- East Champaran

.... Respondents/Respondents

With

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Letters Patent Appeal No. 417 of 2018

IN

Civil Writ Jurisdiction Case No. 12356 of 2015

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1. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Patna.

2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna.

3. The District Manager, Bihar State Food and Civil Supplies Corporation Purchase



Centre, Raxaul, District - East Champaran, Motihari.

.... Respondents/Appellants

Versus

1. Haraiya Pantoka Primary Agriculture Credit Society having registered office at Haraiya P.O . Singhpur Haraiya, P.S. Raxaul through its Chairman Jitendra Kumar son of Sri Gorakh Thakur village Haraiya, P.O. Singhpur Haraiya, P.S. Raxaul, District East Champaran.

....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies Corporation, Government of Bihar, Patna.
3. The Principal Secretary, Department of Food & Civil Supplies Corporation, Government of Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The District Supply Officer, East Champaran at Motihari.
6. The Deputy Collector, Land Reforms, East Champaran at Motihari.
7. The Circle Officer, Raxaul, East Champaran at Motihari.
8. The Block Development Officer, Raxaul, East Champaran at Motihari.
9. M/S Annapurna Rice Mill, Raxaul through his proprietor Sri Ram Vinod Sinha, East Champaran.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 427 of 2018

IN

Civil Writ Jurisdiction Case No. 12749 of 2015

=====

1. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd. Sone Bhawan, Patna.
2. The District Manager, Bihar State Food & Civil Supply Corporation, Bhagalpur.

.... Respondents/Appellants

Versus

1. Mukti Prasad Singh son of late Sadhu Sharan Singh, resident of village +P.O. Nayagaoin P.S. Sultanganj, Bhagalpur. Also Elected Chairman of Nayagaoin Primary Agriculture Cooperative Credit Society.

...Petitioner/Respondent

2. The State of Bihar.
3. The Chief Secretary State of Bihar, Patna.
4. The Registrar, Cooperative Department, Patna, Bihar.
5. District Magistrate, Bhagalpur.
6. District Cooperative Officer, Bhagalpur.
7. Circle Officer Sultanganj, Bhagalpur.
8. Block Extension Cooperative Officer Sultanganj, Bhagalpur.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 443 of 2018

IN

Civil Writ Jurisdiction Case No. 13309 of 2015

=====

1. Managing Director, Bihar State Food And Civil Supply Corporation, Sone



Bhawan, 5th Floor, Bir Chand Path, Patna- 800001.

2. The District Manager, Bihar State Food & Civil Supplies Corporation, Saharsa.

.... Respondents/Appellants

Versus

1. Kaamp Poorvi Primary Agriculture Credit Cooperative Society Through Its Chairman Jaiprakash Yadav, Son of Late Tarni Yadav, Resident of Village- Kaamp, P.S.- Sour Bazaar, District- Saharsa.

....Petitioner/Respondent

2. The State of Bihar through the Secretary State Food and Civil Supplies, Patna.

3. Collector, Saharsa District Saharsa.

4. District Cooperative Officer, Saharsa.

5. Joint Registrar, Cooperative Society, Kosi Division, Saharsa.

6. Registrar, Cooperative Society, Government of Bihar, Patna.

7. Satisfyam, Executive Assistant, Bihar State Food and Civil Supplies Corporation, Sales Centre, Janta Rice Mill, Arraha, Saharsa.

8. Sailesh Kumar, Centre in Charge, Sales Centre, Janta Rice Mill, Arraha, Saharsa.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 436 of 2018

IN

Civil Writ Jurisdiction Case No. 11918 of 2015

=====

1. The Managing Director, Bihar State Food And Civil Supply Corporation Limited, Sone Bhawan, Birchand Patel Path, Patna.

2. The District Manager, Bihar State Food Corporation, Kaimur (Bhabhua).

.... Respondents/Appellants

Versus

1. Rup Narayan Sah, son of late Jagarnath Sah, resident of village Kurari, Police Station-Durgawati, District Kaimur (Bhabhua).

2. Gopal Singh, son of Sri Changur Singh, resident of village-Karnpura, P.S.-Durgawati, District-Kaimur (Bhabhua).

3. Arun Kumar Singh, son of Sri Niwas Singh, resident of village Kalyanpur, P.S.-Durgawati, District Kaimur (Bhabhua).

4. Prabhat Kumar Singh, son of Sri Lallan Singh, resident of village-Khamidaura, P.S. Durgawati, District Kaimur (Bhabhua).

5. Arvind Kumar Singh, son of Sri Paras Nath Singh, resident of village Awahiya, Police Station Durgawati, District Kaimur (Bhabhua).

6. Gopal Singh, son of late Dal Singar Singh, resident of village-Kulhariya, P.S.-Durgawati, District Kaimur (Bhabhua).

7. Sachchidanand Singh, son of late Banshidhar Singh, resident of village Rampur, P.S.-Sonhan, District Kaimur (Bhabhua).

8. Kapildeo Sah, son of late Lok Nath Sah, resident of village Khanethi, P.S.-Sonhan, District-Kaimur (Bhabhua).

.....Petitioners/Respondents.

9. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

10. The Principal Secretary, Cooperative Department, Govt. of Bihar, Patna.

11. The Registrar, Cooperative Societies, Cooperative Department, Government of Bihar, Patna.

12. The District Magistrate cum Collector, Kaimur (Bhabhua).

13. The District Cooperative Officer, Kaimur (Bhabhua).



14. The Additional Collector, Kaimur (Bhabhua).
15. The Block Cooperative Extension/Prasar Officer cum Incharge Paddy Purchase Centre (PPC-2), Durgawati, under District Kaimur (Bhabhua).
16. The Block Cooperative Extension/Prasar Officer cum Incharge Paddy Purchase Centre (PPC-2), Bhabhua, under District Kaimur (Bhabhua).
17. The Anchaladhikari, Durgawati, under District Kaimur.
18. The Anchaladhikari, Bhabua, under District Kaimur.
19. The Union of India through the Secretary, Food and Consumer Public Distribution Govt. of India.

.... Respondents/Respondents

With

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Letters Patent Appeal No. 929 of 2016

IN

Civil Writ Jurisdiction Case No. 13878 of 2015

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna through the Managing Director
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
3. The District Manager, Bihar State Food & Civil Supplies Corporation, Sitamarhi, District Sitamarhi

.... Respondents/Appellants

Versus

1. Bhutahi Primary Agriculture Credit Cooperative Societies, through its Chairman namely Birendra Panjiyar Son of Sri Hari Narayan Panjiyar resident of village - Bhutahi, P.S. Sonebarsa, District - Sitamarhi

....Petitioner/Respondent

2. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
3. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
4. The District Magistrate, Sitamarhi, District - Sitamarhi
5. The Sub - Divisional officer, Sadar, Sitamarhi, District Sitamarhi
6. The District Supply officer, Sitamarhi, District Sitamarhi
7. The Circle Officer, Riga, District Sitamarhi
8. The Block Cooperative officer, Riga, District Sitamarhi

.... Respondents/Respondents

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Appearance :

(In LPA No.881 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Private Respondents: Mr. Dinu Kumar, Adv.
Ms. Ritika Rani, Adv.

(In LPA No.345 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the UOI : Mr. S.D. Sanjay, A.S.G.
Mr. Ravindra Kumar Sharma, CGC
Ms. Priya Gupta, Adv.



For the State : Mr. Indradeo Prasad, SC-27.
(In LPA No.1010 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar, Adv.
(In LPA No.969 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.862 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar, Adv.
(In LPA No.523 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.864 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar, Adv.
(In LPA No.823 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.799 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Private Respondents: Mr. Ramchandra Singh, Adv.
Mr. Jitendra Kumar Singh, Adv.
Mr. Mahendra Prasad, Adv.
Mr. Shankar Kumar, Adv.
Mr. Ram Kumar Rai, Adv.

(In LPA No.914 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.515 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.861 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Private Respondents: Mr. Ramchandra Singh, Adv.
Mr. Jitendra Kumar Singh, Adv.
Mr. Mahendra Prasad, Adv.
Mr. Shankar Kumar, Adv.
Mr. Ram Kumar Rai, Adv.

(In LPA No.822 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.



For the Respondent/s : Mr.
(In LPA No.903 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.820 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. SC9- RAJ NANDAN PRASAD
(In LPA No.821 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. SC27- KINKAR KUMAR
(In LPA No.867 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. Anirudh Kumar Sinha, Adv.
Mr. Abhijeet Ranjan, Adv.
(In LPA No.1009 of 2016)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar, Adv.
(In LPA No.415 of 2018)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.416 of 2018)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.417 of 2018)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.427 of 2018)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.443 of 2018)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr.
(In LPA No.436 of 2018)

For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
Mr. Shailendra Kumar Singh, Adv.

For the Private Respondents: Mr. Ramchandra Singh, Adv.
Mr. Jitendra Kumar Singh, Adv.
Mr. Mahendra Prasad, Adv.
Mr. Shankar Kumar, Adv.
Mr. Ram Kumar Rai, Adv.
(In LPA No.929 of 2016)



For the Appellant/s : Mr. Anjani Kumar, Sr.Adv.
 Mr. Shailendra Kumar Singh, Adv.
 For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)
Date: 06-08-2018

The batch of Letters Patent Appeals have been taken up together for consideration as all these matters relate to identical issues and the parties are at consensus that these Letters Patent Appeals may be disposed of by a common judgment.

2. In L.P.A. No.881 of 2016 and L.P.A. No.427 of 2018, the Bihar State Food & Civil Supplies Corporation Ltd. and its authorities (hereinafter referred to as the 'BSFCSC' or the appellants) are seeking the setting aside of the common judgment dated 18.12.2015 passed by the learned Writ Court in Civil Writ Jurisdiction Case No.12512 of 2015 and C.W.J.C. No.12749 of 2015 respectively. By the impugned judgment, the learned writ Court has upon consideration of the scheme of the Government of India in its Ministry of Consumer Affairs, Department and Food and Civil Supplies for effective disposal of paddy/CMR by the farmers through the Cooperative Societies of which they were members as also in the light of the report received from the District Magistrate with regard to physical stock of the societies came to a conclusion that such societies



whose purchases were made on or before 31.03.2015; whose delivery was supported by the Enforcement Certificate issued by the Enforcement Officer and the society concerned had approached this Court before the cut-off date fixed in the scheme i.e. 31.03.2015 are entitled for consideration for the reliefs. The learned Writ Court considered the two writ applications which were clubbed together and the respective reports of the Enforcement Officer in respect of those petitioners and finally directed the State Food Corporation, State and the Union of India to accept the deliveries of CMR and make payment of the price in respect thereof as found admissible.

3. A perusal of the impugned judgment would show that the issues raised in the two writ applications were subject matters of consideration in various other writ applications heard and disposed off by the learned Writ Court, out of which several Letters Patent Appeals have arisen. In these 25 Letters Patent Appeals we have been called upon to consider the Judgment of the learned Writ Court in all those writ applications which are related to the claims of the respective PACS/Societies/Individual who are seeking a mandamus to the 'BSFCSC' to accept their paddy/CMR supplies in terms of the paddy season 2014-15.

4. The grievance of the writ petitioners before the learned Writ Court was that the 'BSFCSC' had refused to accept the



delivery of Paddy purchased by the cooperative societies or the Custom Milled Rice (CMR) derived therefrom. Considering the kind of the grievance raised before the learned Writ Court, the Court went through the scheme of the Government of India and considering the arguments of the parties thought it just and proper to get conducted a fresh enquiry regarding physical stock of the societies under the supervision of the District Magistrate concerned and the District Magistrate was directed to submit his report on actual physical position of the stock of the cooperative societies operating in the district. On the basis of the report submitted by the District Magistrate the learned Writ Court decided the issues raised in favour of such of the societies whose claims were covered under the following principles:-

- (a) The purchases were made on or before 31.03.2015;
- (b) The balance stock of paddy/CMR claimed by the society was supported by the Enforcement Certificate issued by the Enforcement Officer; and
- (c) The society concerned had approached this Court on or before the cut of date fixed in the scheme i.e. 31.03.2015.

5. The aforesaid principles were earlier followed in CWJC No.10728 of 2015 (Auraiya Primary Agricultural Credit Society Ltd. Vs. State of Bihar & Ors.) and other analogous cases and as the learned Writ Court found that two writ petitions in L.P.A.



No.881 of 2016 and L.P.A. No.427 of 2018 have been filed before cut-off date hence the claim advanced by the societies under these two writ applications being supported by the enforcement certificate issued by the enforcement officer, they are entitled for the benefits similar to those in whose favour the principles abovementioned have been followed. There were 11 writ petitioners in CWJC No.12512 of 2015, learned Writ Court has examined the report of the District Magistrate in respect of each of the 11 petitioners. As regards the sole petitioner in CWJC No.12749 of 2015 also the learned Writ Court has accepted the physical verification report submitted by the District Magistrate. The learned Writ Court however rejected the claim of petitioner no.3 in CWJC No.12512 of 2015 in so far as it relates to CMR as well as the claim advanced by the petitioner no.6 on the ground of not being supported with the documents. The claim of petitioner no.11 has been modified in terms of the enforcement certificate to 232.8 quintals. Petitioner no.4 has been allowed to raise his claim before the Corporation for payment of the price of 830 quintals of paddy supplied on 27.03.2015 with supporting documents. The claims of petitioner nos.1 to 5 and 7 to 11 as well as the claim of the sole petitioner in the second writ petition in terms of the stock have been allowed and the directions issued as aforesaid.

6. Since the other Letters Patent Appeal arising out of



all the impugned judgments passed by the learned Writ Court have also been tagged with the Letters Patent Appeal No.881 of 2016, Mr. Anjani Kumar, learned Senior Counsel has taken us through the impugned judgment dated 12.10.2015 passed in CWJC No.10728/2015 and other analogous matters as well. It is the submission of the learned senior counsel that while considering the grievance of the writ petitioners the learned Writ Court has completely missed out on the government's scheme which provides several safeguards to the farmers in the matter of payment of the purchase price of the paddy crops. Referring to the observations of the learned Court present at page 26 of the impugned judgment it is his submission that the learned Writ Court has taken a view that **".....it is the State in its Food and Consumer Protection Department, the Cooperative Departments, the District Magistrate as the supervisory head of the district and the authorities of the Corporation who had to take sufficient steps to ensure that at least such of the paddy crops which stands supported by the enforcement certificate be delivered either in paddy form or in custom milled rice form."**

7. The learned senior counsel submits that the enforcement certificate is in itself not a conclusive proof of fact that the purchases of paddy crops/CMR have been made by the society



from the farmers members for whose benefit the government scheme has been framed. It is submitted that it is a scheme framed by the Government of India and the entire funding is done by the Government of India, the 'BSFCSC' is only a nodal agency to implement the scheme of the government and, therefore, the purchases which are in conformity with the government scheme by following procedures laid down in the scheme are only entitled for procurement and payment by the 'BSFCSC'.

8. In this regard learned senior counsel has drawn our attention towards stipulations present in the government's scheme, copy of which has been brought on record as Annexure-'Y' to the supplementary counter affidavit filed on behalf of the respondent no.9 in CWJC No.10728 of 2015. Referring to Annexure-'Y' learned senior counsel submits that paragraphs 7, 8, 9 and 10 of the scheme are relevant and worth consideration for purpose of arriving at a just and proper conclusion in these batch of cases. It is his submission that according to scheme (paragraph 9) it has to be ensured that the farmers from whom the purchases have been made have been paid without any delay through RTGS/NEFT/Account Payee Cheque at the purchase centre itself. It is provided that the farmers are to be paid through RTGS/NEFT immediately after the purchase. Regarding purchases through PACS it is provided that the price of the paddy will



be proportionate to the CMR received and on the basis of the certificates received from PACS and after verification of the vouchers advise will be sent to the Bank by endorsing 'yourself' on the cheques made available by the cooperative banks, the advise shall contain the name of PACS, the quantity of paddy supplied with value thereof and such payments are to be sent to the cooperative bank within a period of seven days.

9. Learned senior counsel submits that the learned writ Court has not considered a very important aspect of the matter i.e. regarding the payments made to the farmers through the cooperative banks being an essential condition to come under the scheme. It is submitted that the learned Writ Court has relied upon the enforcement certificate alone to take a view that because the enforcement certificate shows procurement of paddy by the PACS, therefore, the nodal agency is liable to accept the same. It is submitted that mere procurement by 'PACS' is not enough, the PACS are required to show that they have made payment to the farmers through RTGS/NEFT from the account maintained in the cooperative bank in which 'PACS' have been given overdraft facility to facilitate payment to the farmers from whom the purchases have been made. It is submitted that in absence of proof of payment to the farmers within cut-off date i.e. 31.03.2015, any direction to accept the 'paddy' or



‘CMR’ would not be just and proper.

10. On the other hand, Mr. Rajendra Narayan, learned senior counsel representing some of the respondents, Mr. Dinu Kumar and other counsel representing the respondents in the batch of Letters Patent Appeals have submitted before us that there is no illegality and infirmity in the impugned judgment dated 12.10.2015 passed in CWJC No.10728 of 2015 and other analogous writ applications which has been reiterated vide impugned judgment dated 18.12.2015 passed in CWJC No.12512 of 2015 and CWJC No.12749 of 2015. Learned counsel representing the various PACS/individuals in other Letters Patent Appeals have also supported the respective impugned judgments on identical pleas. It is submitted that the learned writ Court has taken an equitable view of the matter in the facts and circumstances of the case. Referring to the impugned judgment, learned senior counsel submits that the learned writ Court has not allowed all the writ applications and in fact some of the writ applications which were tagged with CWJC No.10728 of 2015 were dismissed when the learned Writ Court found that the report submitted by the District Magistrate could not confirm the physical position of the stock in course of verification. It is submitted that the learned Writ Court has rightly relied upon the certificates issued by the enforcement officer and if the learned Writ Court has given



primacy to the enforcement certificates as the basis for accepting the stock position, no wrong has been committed by the learned Writ Court. It is submitted that the learned Writ Court has rightly observed that “.....**where the Cooperative Societies are largely dependant upon their bank for the payments to the farmers, the issue of payment though is relevant but cannot be an obstacle for the benefit under the policy and the Corporation has unnecessarily raised this bogey to contest the relief.**”

11. At this stage, Mr. Anjani Kumar, learned senior counsel has responded to the submission of learned senior counsel representing the respondents, referring to Annexure-‘F’ to the counter affidavit filed on behalf of the respondent no.9 in CWJC No.10728 of 2015, learned senior counsel points out that the report submitted by the District Magistrate to the ‘BSFCSC’ on which reliance has been placed by the learned Writ Court is not inspiring confidence and cannot be relied upon because of the discrepancies noticed in the report itself. Learned senior counsel submits that at the first instance it has to be kept in mind that under the government’s scheme only the procurements made before 31.03.2015 are to be accepted by the nodal agency but the report has been submitted by the District Magistrate after conducting a verification of the stock through officers posted in the different blocks after 22.05.2015, thus what was found in the



verification on or after 22.05.2015 cannot be said to be procurement of the paddy season 2014-15 on or before 31.03.2015. He has drawn our attention towards various columns of the reports which show that in one of the columns the stock position of the various PACS is '0.00' and in the remarks column it is vaguely stated that either 'CMR' has been prepared from the paddy or that during the verification the 'PACS' was found closed. It is submitted that the report nowhere talks of verification with respect to the payments made to the farmers against the purchases made before the cut-off date i.e. 31.03.2015. In his submission no effort was taken by District Magistrate or the enforcement officer to check whether the mandating condition of payment to farmers immediately or in any case on or before 31.03.2015 has been fulfilled.

12. Having heard Mr. Anjani Kumar, learned senior counsel assisted by Mr. Shailendra Kumar Singh, advocate on record on behalf of the BSFCSC/appellants in all these Letters Patent Appeals, Mr. Rajendra Narayan learned senior counsel, Mr. Dinu Kumar learned advocate and other learned advocates on behalf of the respondents, we find that in order to understand the whole grievance of the petitioner as well as the appellants it would be just and proper to quote paragraph 7 to 10 of the government's scheme from Annexure-'Y' to the supplementary counter affidavit filed on behalf



of the respondent no.9. Since the stipulations present in the government's scheme are guiding factor and nobody has questioned the acceptability of the scheme for the benefit of the farmers, we quote relevant paragraphs as aforesaid hereunder:-

7. धान क्रय केन्द्र पर किसानों से प्राप्त किये जाने वाले कागजात

- भूमि सम्बन्धी दस्तावेज अंचल पदाधिकारी द्वारा निर्गत भू-स्वामित्व प्रमाण पत्र/हाल का माल गुजारी रसीद/किसान क्रेडिट कार्ड-(हाल का निर्गत) इनमें से कोई एक । राजस्व रसीद/भूस्वामित्व प्रमाणपत्र की संभावित जालसाजी को रोकने के लिए प्रमाण पत्र निर्गत करने वाले अंचलाधिकारी एवं राजस्व कर्मचारी के हस्ताक्षर का नमूना निगम क्रय केन्द्र एवं पैक्स क्रय केन्द्र को उपलब्ध कराया जायगा ।
- किसानों का फोटोयुक्त पहचान पत्र-मतदाता पहचान पत्र/पासबुक की छाया प्रति/किसान क्रेडिट कार्ड की छाया प्रति/झाड़विंग लाईसेंस एवं भारत निर्वाचन आयोग द्वारा मान्यता प्राप्त अन्य दस्तावेज-इनमें से कोई एक ।
- बटाईदारों के लिए जमीन मालिक का उपर्युक्त भूमि संबंधी दस्तावेज एवं फोटोयुक्त पहचान पत्र।
- खरीफ विपणन मौसम 2014-15 अन्तर्गत साफ सुथरे एवं सूखे हुए धान जिसकी नम की मात्रा 17 प्रति"त से अधिक न हो, की अधिप्राप्ति की जाय।
- पैक्सों द्वारा क्रय किये गये अधिप्राप्ति धान/सी0एम0आर0 का हस्तांतरण संबद्ध निगम क्रय केन्द्र/सी0एम0आर0गोदाम पर विहित प्रपत्र में निर्गत प्रमाण पत्र के साथ किया जायेगा ।

8. पैक्सों से धान प्राप्त करने हेतु रोस्टर की व्यवस्था

बिहार राज्य खाद्य निगम द्वारा पैक्सों से धान लेने के लिए पैक्सों का रोस्टर तैयार कर लिया जाय ताकि पैक्सों को यह जानकारी रहे कि किस तिथि को उन्हें राज्य खाद्य निगम के क्रय केन्द्रों पर अनावश्यक रूप से भीड़ नहीं लगे एवं पैक्स सुगमतापूर्वक बिना कठिनाई के राज्य खाद्य निगम के क्रय केन्द्र/गोदामों पर धान की सुपूर्दगी कर सके ।

9. भुगतान की व्यवस्था

यह सुनिश्चित करें कि सरकार द्वारा लिये गये निर्णय के अनुरूप सभी किसानों को क्रय किये गये धान का भुगतान अविलम्ब आर0टी0जी0एस0/नेफ्ट अथवा Account Payee Cheque के माध्यम से संबंधित क्रय केन्द्र पर कर दिया जाय । इस व्यवस्था को



सुनिश्चित करने हेतु निम्नांकित कार्रवाई की जाये :-

- राज्य खाद्य निगम के प्रत्येक क्रय केन्द्र पर आर0टी0जी0एस0/नेफ्ट अथवा Account Payee Cheque के माध्यम से करने हेतु प्राधिकृत पदाधिकारी का उपलब्ध होना ।
 - राज्य खाद्य निगम द्वारा इस संबंध में जिले या प्रखण्ड स्तर पर अधिप्राप्ति कार्य हेतु बैंक एकाउन्ट खोलना एवं प्रत्येक क्रय केन्द्र पर आर0टी0जी0एस0/नेफ्ट अथवा Account Payee Cheque के माध्यम से करने हेतु प्राधिकृत पदाधिकारी का उपलब्ध होना ।
 - प्रत्येक बैंक एकाउन्ट में निर्धारित माप दंड के अनुरूप पर्याप्त राशि उपलब्ध होना ।
 - राज्य खाद्य निगम द्वारा प्रत्येक जिला में कॉर्पोरेटिव बैंक में पैक्स द्वारा क्रय किये गये धान का भुगतान एकमुँत एडवाईस एवं आर0टी0जी0एस0/नेफ्ट अथवा Account Payee Cheque के माध्यम से किया जायेगा ।
 - पैक्स द्वारा क्रय किये गये धान का भुगतान आर0टी0जी0एस0/नेफ्ट के माध्यम से किसानों को क्रय के तुरन्त बाद किया जाना । (emphasis supplied)
 - पैक्स से क्रय किये गये धान का मूल्य समानुपातिक सी0एम0आर0 प्राप्ति के आधार पर पैक्स से प्राप्त प्रमाण पत्र एवं विपत्रों की जाँच कर केन्द्रीय सहकारिता बैंक/राज्य सहकारी बैंक द्वारा उपलब्ध कराये गये चेक पर Your self अंकित करते हुए बैंक एडभाइस जिसमें पैक्सों का नाम, आपूर्ति किये गये धान की मात्रा एवं मूल्य अंकित हो, के साथ अनिवार्य रूप से सात दिनों के अन्दर सहकारिता बैंक को भेजना तथा भुगतान सुनिश्चित करना ।
 - पैक्स एवं निगम के क्रय केन्द्र पर प्रतिनियुक्त पदाधिकारी/कर्मि किसान को भुगतान NEFT/RTGS अथवा Account Payee Cheque के माध्यम से करेगी ।
10. जिला स्तर पर प्रबंधन/अनुश्रवण/पर्यवेक्षण एवं निरीक्षण की व्यवस्था जिला स्तर पर प्रबंधन/अनुश्रवण/पर्यवेक्षण एवं निरीक्षण हेतु निम्नांकित कार्रवाई की जाय:-
- जिला स्तर पर धान/चावल अधिप्राप्ति कार्य की अनुश्रवण/पर्यवेक्षण एवं निरीक्षण हेतु अपर समाहर्ता स्तर के पदाधिकारी की पूर्णकालिक प्रतिनियुक्ति की जाय ।
 - अनुमण्डल पदाधिकारी का यह दायित्व होगा कि वे प्रतिदिन अपने अनुमण्डल अन्तर्गत धान अधिप्राप्ति की पूर्ण समीक्षा कर प्रतिवेदन .MS-Excel, Kruti Dev 010 में जिला पदाधिकारी को भेजेंगे ।



- प्रत्येक प्रखण्ड में अधिप्राप्ति कार्य के नियमित अनुश्रवण/पर्यवेक्षण एवं निरीक्षण हेतु जिला से एक वरीय उप समाहर्ता की प्रतिनियुक्ति की जाय।
- प्रखण्ड वरीय उप समाहर्ता/जिला पदाधिकारी द्वारा प्रतिनियुक्त सक्षम पदाधिकारी को आव"यक्तानुसार *Enforcement Certificate* देने हेतु प्राधिकृत किया जाय ।

13. On going through the scheme, we find that in the paddy procurement year 2014-15, in order to ensure that the purchases are made only from farmers and not from the traders and intermediaries, the government made an arrangement for decentralized purchasing whereunder 'BSFCSC' was made a nodal agency for purchases through PACS, 'Byapar Mandal' and 'purchase centers' of the BSFCSC. The scheme also provided for preparation of CMR through the mills operated by PACS and under an agreement to be executed between the BSFCSC and the mill run by the PACS. The whole purpose of the scheme was to ensure benefit to the farmers and nobody else. According to scheme against the purchases made from the farmers the PACS and the purchase centers of the BSFCSC had to make payment through RTGS/NEFT or account payee cheque immediately after purchase. By virtue of paragraph '9' of the scheme immediately after purchases from the farmers, the PACS is liable to pay the price of the paddy to the farmers through RTGS/NEFT. In turn, the PACS were to get payment on the basis of the proportionate



CMR of the purchased paddy on receipt of the certifications and vouchers. Paragraph 9 clearly provides that PACS shall pay to the farmers through RTGS/NEFT or account payee cheque. The learned Writ Court in its order dated 12.10.2015 passed in CWJC No.10728 of 2015 has though found this to be a relevant aspect of the matter but then proceeded to dislodge the objection taken by the 'BSFCSC' on the ground that where the co-operative societies are largely dependant upon their bank for the payment of farmers, the issue of payment though is relevant but cannot be an obstacle for the benefit under the policy. It seems to us that on the face of the availability of the enforcement certificate and report from the District Magistrate the learned Writ Court was of the view that no other objection could have been taken. With great respect to the learned Writ Court we would differ here. We find that the learned Writ Court has erred in not appreciating that the scheme is for the benefit of the farmers alone and not for the traders or PACS and where the PACS are not able to show that the price of procured paddy has been really paid to the farmers members they cannot claim the benefit for themselves. It is not the case of these societies that because of failure of the banks to pay/transfer the amount to the farmers, the payments could not be made, therefore the dependency of the PACS on the Banks is not an issue and could not have been taken as a reason to ignore the plea of



the 'BSFCSC' that payment to farmers is an important factor to be taken care of.

14. In our considered opinion, the learned writ Court has missed out on an important aspect of the matter i.e. the payments made to the farmers members against the purchases on or before 31.03.2015 which is a condition which must be shown to have been followed by PACS in order to make them eligible to supply paddy/CMR to the BSFCSC.

15. We find that in course of hearing of these Letters Patent Appeals a learned coordinate Bench of this Court has been pleased to pass an order dated 11.09.2017 in the following terms:-

"This Court had given opportunity to different appellants especially relating to PACS who claim that against bonafide procurement they have already made payments to the farmers and money has been duly credited and accounted for. In support thereof, certain documents, which includes extracts of pass books or statement of accounts, have been annexed in the affidavits which have been filed in the Letters Patent Appeals and duly served on the counsel for the Bihar State Food and Civil Supplies Corporation.

The authenticity of such transactions cannot be verified by us. The certification thereof can only emerge from the branches and the banks where the transactions have taken place. On 17.08.2017 the matter was adjourned giving time to the counsel for the Bihar State Food and Civil Supplies Corporation to verify the documents and get the necessary inputs.



Both because of the floods and because of lack of cooperation the exercise has not been completed.

The senior counsel representing the Bihar State Food and Civil Supplies Corporation seeks a direction from the Court upon one and all including the Principal Secretary, Cooperative Department, the Registrar, Cooperative Societies and the respective Managing Director, Cooperative Banks, that they all have the obligation created under the directions of this Court to help in providing the necessary verification and inputs whenever sought so that the Court can decide and proceed with the matter based on the authenticity of those transactions and the documents which have been used showing the transactions.

The Court directs all the authorities mentioned above to provide due support. Any impediment created by any of the authorities in compliance of the order would be viewed very deemly.

Let the matter now come up on 14th November, 2017.

The PACS managers will have opportunity to redeem themselves by showing their honesty in assistance as well as the authorities of Bihar State Food and Civil Supplies Corporation are also directed to complete the exercise by the next date as enough time and indulgence has been granted to them taking overall situation into consideration.”

16. After the aforesaid order was passed a supplementary counter affidavit has been filed on behalf of the respondent 1st set in LPA No.881 of 2016 enclosing more than 700 pages of various documents to show that the respective PACS have purchased the paddy for the season 2014-15 from the farmer members and amount



has been paid to them using cash credit facility to respective PACS through cooperative societies and some amount are still due and after receiving the payment the same will be paid. The supplementary counter affidavit thus clearly shows that regarding some of the purchases while some of the PACS are claiming that they have made payments, admittedly some of the purchases which they are claiming against them payments have not yet been made to the farmers. If the payments have not been made to the farmers, in our considered opinion, such purchases which are being claimed to have been made during the season 2014-15 shall not qualify for supplies to the 'BSFCSC' in terms of the government's scheme and the 'PACS' cannot compel the 'BSFCSC' being nodal agency to accept the supplies against which the 'PACS' have not made payment to the farmers on or before the cut-off date.

17. In the facts and circumstances of the case, we find that the Court is required to balance the interest of both the parties keeping in mind the aim and object of the government's scheme and the purpose of the scheme is that the benefit of scheme should go only to the farmers and not to any trader or intermediaries. We would respectfully differ with the view of the learned Writ Court only to the extent that the payments made to the farmers on or before 31.03.2015, in our opinion, has to be taken as an important consideration and a



factor to be taken care of in order to reach to a conclusion whether or not the PACS in respect of whom the learned writ Court has found a case in their favour, are entitled to the benefit of the same. In order to ensure the achievement of the aims and objects of the government's scheme we would direct that a committee comprising (i) the District Magistrate of the concerned district, (ii) the Enforcement Officer of the concerned Block within whose jurisdiction the PACS is situated and (iii) one senior officer from the BSFCSC would nominated by the Managing Director of the BSFCSC, shall with the assistance of the concerned bank manager and officer of the cooperative banks shall find out such purchases which have been made by the respective PACKS in whose favour the learned Writ Court has found a case and against which payments have been made to the farmer members of the PACKS either by RTGS/NEFT or through account payee cheque on or before 31.03.2015. All such claims of procurement of paddy which will be supported by the payments made to the farmer members of the PACKS in the manner stated in the government's scheme shall only qualify for supply of proportionate 'CMR' to the 'BSFCSC'. Mr. Anjani Kumar, learned senior counsel has contended before us that so far as BSFCSC is concerned, it is only a nodal agency and the entire fund with regard to such procurements through the PACS are to be made available by the Central Government.



18. Mr. S.D. Sanjay, learned Additional Solicitor General representing the Central Government has a submission that the scheme was meant for the year 2014-15 and after the scheme has lived its life and thereafter purchases are being made in different years, it would not be proper to issue any mandamus at this stage.

19. We have considered the submissions made at the Bar and find that only those writ applications have been allowed by the learned Writ Court in which the petitioners had moved the Court before the end of the procurement year or had claimed that the purchases of paddy were made before the end of the scheme on 31.03.2015. Since these writ applications pertain to the paddy season 2014-15 only in respect of which the government scheme was in operation, if the petitioners would be able to make out their case in terms of our directions hereinabove, in our considered opinion, they cannot be deprived from supplying the proportionate CMR, as the case may be, in terms of the scheme. If these 'PACS' have made payments to the farmer members on or before 31.03.2015, the nodal agency as well as the Central Government are liable to abide by the promises made under the scheme.

20. The Committee aforesaid shall complete the entire exercise of verification within a period of two months from the date of receipt/production of a copy of this order and the supplies which



would qualify for payments will be made available to them within a period of thirty (30) days from the date of recommendation of the Committee. The respective Co-operative Banks shall co-operate with the Committee and shall make available the necessary records of payment to farmers and other information which may be sought by the Committee. The Committee shall give reasons for rejection of claims of a PACS. It is made clear that any party, who may be aggrieved by the recommendation of the Committee, will be at liberty to raise a grievance and seek his/their remedy in accordance with law.

21. All these Letters Patent Appeals stand disposed of with the modifications of the impugned judgment in the aforementioned terms.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	AFR
CA V DATE	N/A
Uploading Date	07.08.2018
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