

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.276 of 2017

In

Civil Writ Jurisdiction Case No. 10051 of 2015

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Chandra Bhushan Mishir @ Chandra Bhushan Mishr S/o Late Bhagwat Mishir, Resident of Village-Roari, P.S. Sikarpur, District-West Champaran

.... Appellant/s

Versus

1. The State of Bihar, through Chief Secretary Co-operative Department Government of Bihar, Patna
2. The Chief Secretary Co-Operative Department, Bihar, Patna.
3. The Principal Secretary, Human Resources Department, Government of Bihar, Patna
4. The Joint Secretary, Human Recourse Department, Government of Bihar, Patna.
5. The Secretary, Personal and Administrative Reforms Department Government of Bihar, patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh-1

For the Respondent/s : Mr. Raj Ballabh Prasad Yadav- Aag11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

10 25-04-2018 Heard counsel for the appellant and counsel for the State.

Having perused the impugned order dated 20.08.2016, besides reason which has been provided by the learned Single Judge in dismissing the writ application, this Court would also like to add that since Paid Managers were employees of the Primary Agriculture Cooperative Society they cannot be treated to be state by any interpretation of law. The period the appellant spent as



Paid Manager in PACS can never be counted for the purposes of pension etc. merely because as a policy decision they came to be subsequently appointed or absorbed on some post in the State of Bihar keeping in mind the certain directions issued by the Hon'ble Apex Court.

There is no infirmity in the impugned order which requires rectification.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

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