

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1435 of 2018

In
Civil Writ Jurisdiction Case No.16890 of 2018

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Khadya Bhawan, Beer Chand Patel Path, Patna through its Chairman cum Managing Director.
 2. The District Manager, State Food Corporation, District- Bhojpur Ara, Bihar.
 3. The Assistant Manager, State Food Corporation Godown, Barhara District Bhojpur, Ara, Bihar.

... .. Appellant/s

Versus

1. Sanjay Kumar Singh son of Late Rmeshwar Singh, resident of Village-Ganghar P.S. Ara, Muffasil, District Bhojpur.
1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna.
2. The District Magistrate, District Bhojpur, Ara, Bihar.
3. The Deputy Development Commissioner, District Bhojpur, Ara, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar Singh, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Prabhat Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2018

1. Admit. Shri Prabhat Ranjan, learned Advocate appearing on behalf of the respondent-original writ-petitioner waives service of notice on behalf of the respondent- original writ-petitioner.

1.1. In the facts and circumstances of the case and as the main writ petition is yet to be considered by the learned Single Judge even for admission hearing and the present appeal



is against the order passed by the learned Single Judge granting *ex parte* ad interim stay, we have heard the present appeal today finally.

2. Feeling aggrieved and dissatisfied with the impugned order passed by the learned Single Judge dated 31.08.2018 in C.W.J.C. No. 16890 of 2018, by which the learned Single Judge has stayed the subsequent order passed by the appellant Corporation dated 02.08.2018 while adjourning the matter, the Corporation has preferred the present Letters Patent Appeal.

3. Heard the learned counsel appearing on behalf of the respective parties at length and after hearing the learned counsel appearing on behalf of the respective parties, we were to quash and set aside the impugned order passed by the learned Single Judge in so far as staying the order dated 02.08.2018 with reasons, learned counsel appearing on behalf of the original writ-petitioner has requested not to pass any reasoned order as even otherwise the matter is at large before the learned Single Judge. However, he has requested to protect the interest of the original writ-petitioner also. Under the circumstances, while quashing and setting aside the impugned order dated 31.08.2018 passed by the learned Single Judge in C.W.J.C. No. 16890 of



2018 in so far as staying the order dated 02.08.2018, we are not assigning any further reasoned order as even otherwise the matter is at large before the learned Single Judge. Suffice it to say that the interim order was passed on 31.08.2018 staying the order dated 02.08.2018 on the same day on which the original writ-petitioner amended the writ petition and *prima facie* it can be said that there was no occasion for the Corporation to file counter to the amendment petition challenging the subsequent order dated 02.08.2018.

3.1. Be that as it may, as the learned counsel appearing on behalf of the original writ-petitioner is not pressing for any reasoned order, we are not passing any further reasoned order while quashing and setting aside the impugned order dated 31.08.2018 passed by the learned Single Judge in C.W.J.C. No. 16890 of 2018 in so far as granting the stay of the order dated 02.08.2018 is concerned.

4. In view of the above, the present Letters Patent Appeal is allowed. The impugned order dated 31.08.2018 passed by the learned Single Judge in C.W.J.C. No. 16890 of 2018 in so far as granting the stay of the order dated 02.08.2018 is hereby quashed and set aside. However, it is made clear that we are not expressing anything on merits in favour of either



party either with respect to the show-cause notice and/or the final order dated 02.08.2018 as the same is yet to be considered by the learned Single Judge. Now, the matter to be placed before the learned Single Judge as per the roster on 1st November, 2018. However, it is observed that any further consequential action on the basis of the order dated 02.08.2018 shall be subject to the further order that may be passed by the learned Single Judge. Corporation-appellant to file counter to the main petition within a period of three weeks from today.

4.1. With these, the present appeal is allowed. No cost.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

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CAV DATE	
Uploading Date	12.10.2018
Transmission Date	

