

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20427 of 2018

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Rasto Pharmaceuticals son of Dr. Mani Lal Rastogi, resident of Rastogi Bhawan, Maharaja Harischandra Marg, Dr. B.B. Ghosh Lane, Motijhil, Muzaffarpur, P.S. Muzaffarpur Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Animal and Fisheries Resources Department, Government of Bihar, Patna.
3. The Special Secretary, Animal and Fisheries Resources Department, Government of Bihar, Patna.
4. The Director, Animal Husbandry, Animal Husbandry Directorate, Bihar, Patna.
5. The District Animal Husbandry Officer, Madhepura.
6. The District Animal Husbandry Officer, Saharsa.
7. The District Animal Husbandry Officer, Siwan.
8. The District Animal Husbandry Officer, Bhagalpur.
9. The District Animal Husbandry Officer, Munger.
10. The District Animal Husbandry Officer, Banka.
11. The District Animal Husbandry Officer, Gopalganj.
12. The District Animal Husbandry Officer, Katihar.
13. The District Animal Husbandry Officer, Saran at Chapra.
14. The District Animal Husbandry Officer, Supaul.
15. The District Animal Husbandry Officer, Araria.
16. The District Animal Husbandry Officer, Begusarai.
17. The District Animal Husbandry Officer, Muzaffarpur.
18. The District Animal Husbandry Officer, Vaishali at Hajipur.
19. The District Animal Husbandry Officer, Buxar.
20. The District Animal Husbandry Officer, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.Sajid Salim Khan- SC25

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-04-2019 In view of Clause 41 of the terms and conditions

 contained in Annexure P-2, the dispute arising upon the



cancellation of the work order of the petitioner would be subject to adjudication in an arbitration proceeding alone. It appears from the reading of Clause 41 that the alternative dispute redressal mechanism by way of an arbitration is provided therein, though the later part of the Arbitration Clause wherein it is stated that the dispute shall be referred to the sole Arbitrator, the Principal Secretary/Secretary, Department of Animal and Fisheries Resources, Bihar, Patna would be hit by the provisions of Arbitration and Conciliation Act as contained in Section 12(5) read with 7th Schedule of the Arbitration and Conciliation Act, 1996. Nonetheless the petitioner has a remedy available, he can take recourse to the Arbitration Clause by seeking appointment of Arbitrator in accordance with law.

This writ application, thus, stands disposed of with liberty to the petitioner to seek his remedy under the Arbitration Clause.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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