

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.272 of 2019

In

C.W.J.C. No.12512 of 2015

Abhay Kumar Singh, son of Late Bechan Singh, resident of Village- Rampur Kharkhar, P.O. - Ekchari, P.S. - Rasalpur, District - Bhagalpur, the Chairman of Rampur Kharhara PACS, Kahalgaon, Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Bihar State Food and Civil Supplies Department, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation Ltd., Govt. of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Co-operative Officer, Bhagalpur.
6. The District Supply Officer, Bhagalpur.
7. The Sub- Divisional Officer, Kahalgaon, Bhagalpur.
8. The Block Development Officer, Kahalgaon, Bhagalpur.
9. The District Agriculture Officer, Bhagalpur.
10. The Manager, State Food Corporation Ltd., Bhagalpur.
11. The Block Co-operative Extension Officer, Kahalgaon, Bhagalpur.
12. The Block Agriculture Officer, Kahalgaon, Bhagalpur.
13. The Block Cooperative Extension Officer, Pirpainty, Bhagalpur.
14. The Sr. Accounting Officer, Co-operative Society, Bhagalpur.
15. The Registrar, Co-operative Society, Patna.
16. The Joint Registrar, Cooperative Society, Bhagalpur.
17. The Secretary, Department of Food and Consumer, Govt. of India (Union of India), New Delhi.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Arun Kumar, Advocate Mr. Swapnil Kumar Singh, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Vishwambhar Prasad, A.C. to A.A.G.-5
For the B.S.F.C.	:	Mr. Anjani Kumar, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate
For the Union of India	:	Mr. S.D. Sanjay, Addl. Solicitor General Mr. Anshuman Singh, C.G.C.



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 11-03-2019

Heard Shri Arun Kumar, learned counsel for the appellant and Shri Anjani Kumar, learned Senior Counsel for the B.S.F.C.

2. This appeal questions the correctness of the judgment dated 18.12.2015 in C.W.J.C. No.12512 of 2015.

3. It appears that L.P.A. No.881 of 2016 was preferred by the B.S.F.C. assailing the same judgment and the said appeal was disposed of on 6th of August, 2018 by a Division Bench of this Court, whereby the judgment of the learned single Judge in the aforesaid writ petition was modified.

4. Accordingly, the appellant moved a review application before the learned single Judge, that has been disposed of on 23rd January, 2019 stating that since the matter has been finalized by the Division Bench, there was no occasion to exercise the power of review by the learned single Judge.

5. We are entirely in agreement with the view expressed by the learned single Judge inasmuch as the original judgment stood merged in the judgment of the appellate Bench delivered on 6th of August, 2018.



6. This appeal therefore has been filed virtually seeking the same relief as extended in the judgment dated 6th of August, 2018 to the respondents and for the disposal of the claims accordingly. The apprehension of the appellant is about his claim not being considered by the authorities in the light of the judgment of the Division Bench..

7. We dispose of this appeal with a direction that the claim of the appellant shall also be considered and disposed of in accordance with the judgment delivered by the Division Bench in L.P.A. No.881 of 2016.

8. Needless to say that the present appellant was respondent No.11 in the aforesaid appeal and therefore the decision would be binding on both the parties in that regard.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

PNM/Saif

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

