

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14346 of 2014

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Ajay Kumar S/o Late Ram Lakhan Singh permanent resident of Mohalla and P.O. Shashi Minapur, P.S. Aurai, District - Muzaffarpur, Bihar, at present residing at Mohalla and P.O. Bathua Buzurg, P.S. Musarigharari, Via - Sarai Ranjan, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Food and Consumer Protection Department through its Principal Secretary, Old Secretariat, Patna, P.O. Sachivalaya, Patna 800015
3. The Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna, P.O. Sachivalaya, Patna 800015
4. The Additional Secretary, Food and Consumer Protection Department, Old Secretariat, Patna, P.O. Sachivalaya, Patna 800015
5. The District Magistrate, Samastipur
6. The District Supply Officer, Samastipur
7. The Sub Divisional Magistrate, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Vagisha Peagyav Ms Sushmita Sharma
For the Respondent/s	:	Mr.Laxmi Kant Tiwari, AC to SC 27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-08-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner's claim in the instant proceedings is for sanction of leave for 500 days. Referring to Annexure 11 to writ petition i.e. communication dated 16.07.2013 issued by the Sub divisional officer, Samastipur to the District Supply Officer, Samastipur; letter of the District Magistrate dated 24.07.2013 addressed to the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, as well as communication of the District Supply Officer, Samastipur to the government (Annexure C of the counter affidavit),



it is submitted that various correspondences itself show that 300 days' leave was available to petitioner's credit and final decision on the claim for leave of 500 days on account of illness of petitioner's wife is required to be considered in light of aforesaid correspondences by respondent no.3.

Counter affidavit also reveals that issue has not yet been decided by respondent no.3.

Since matter is to be considered by respondent no.3 in view of correspondences taken note of hereinabove, pendency of the writ proceedings would be futile.

Writ petition is disposed of with direction to respondent no.3 (Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar) to take final decision on the petitioner's claim in light of communication taken note of hereinabove and other relevant facts by reasoned and speaking order in accordance with law within the period of three months from the date of receipt/production of a copy of this order.

Petitioner should be extended consequential benefit found admissible, within the aforesaid period.

Writ petition stands disposed of.

s.hassan/-

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(Madhuresh Prasad, J)

