

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.563 of 2018

Arising out of

C.W.J.C. No. 16292 of 2017

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Sachidanand Sharma, Son of late Narsingh Singh, Resident of Village-
Gopalpur, P.S. Sherghati, Distt. Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supplies,
Government of Bihar, Patna
2. District Magistrate, Gaya.
3. Sub Divisional Officer, Sherghati Gaya.
4. District Supply Officer, Gaya.
5. Block Supply Officer, Sherghati, Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad -AAG-5 Mr. Alok Ranjan, A.C. to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 24-01-2019 After having heard learned counsel for the appellant and the learned Additional Advocate General for the State, we find that the writ petition itself had been entertained in spite of the fact that there was a statutory alternative remedy of appeal to the appellant. The writ petition has been dismissed against which the present appeal has been filed.

We are of the considered opinion that once there is a statutory remedy available, the appellant ought to have availed of the said remedy under the statute before coming to this Court



invoking the writ jurisdiction.

We, therefore, provide an opportunity to the appellant to file an appeal before the Appellate Authority within 10 days from today. If such appeal is preferred, as directed above, the same shall be considered and disposed of on merits ignoring the dismissal of the writ petition of the appellant, preferably within a period of three months.

The appeal stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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