

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.764 of 2018
In
Civil Writ Jurisdiction Case No.6353 of 2018

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Abdul Wahid, Son of Late Anaruddin Pradhan, Resident of Sajjad Colony,
P.O. and P.S.- Khajanchi Haat and Distt- Purnea.

... .. Appellant/s

Versus

1. The Bihar State Cooperative Marketing Union Ltd., Through Its Chairman, Biscomanu Bhawan, Patna.
2. Chairman, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
3. Managing Director, Bihar State Co-operative Marketing Union Ltd. Biscomaun Bhawan, Patna.
4. Inquiry Officer, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
5. Special Officer, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
6. Account Officer, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
7. Secretary, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Mohammed Abu Haidar, Advocate
		Mr. Mohammed Abu Shajar, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-02-2019 Heard learned counsel for the appellants.

The learned single Judge under the impugned order
has simply directed the listing of the case after the disposal of
the matter pending before the Apex Court.

Learned counsel submits that the pendency of the
Special Leave Petition before the Apex Court cannot be a



ground for considering the maintainability of the writ petition.

In our opinion, the very issue of maintainability of the writ petition is involved inasmuch as this Court has held that a writ petition would be maintainable against the respondents, but the Apex Court has stayed the operation of the judgment. In the background aforesaid, the matter has to await the disposal by the Apex Court and therefore the learned single Judge was correct in his approach in proceeding to direct the listing of the writ petition after disposal of the matter by the Apex Court.

No ground is made out, therefore, for entertaining this appeal which is consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

PNM/Saif/-

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