

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8598 of 2017

=====

Sushma Gupta, Wife of Santosh Kumar Proprietor of M/S Swatisk Rice Mill,
Resident of Village- Obra, P.S. Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Bihar at Patna.
2. The State of Bihar through the District Magistrate, District- Aurangabad.
3. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Bihar at Patna
4. The District Manager, the Bihar State Food and Civil Supplies Corporation Ltd., Aurangabad, District-Aurangabad.
5. The Officer-in-Charge, Barun, P.S. - Barun, District – Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-11-2020

Petitioner has prayed for the following relief(s):

“That the present writ application has been filed for the issuance of the appropriate writ order(s) or direction(s) in the nature of *Certiorari* to quash the letter bearing Memo No.412 dated 23.03.2017 issued by the District Manager, State Food Corporation, Aurangabad (vide Annexure-7 to the writ application); on the ground that the same is against the order dated



28.02.2017 passed by the Hon'ble Supreme Court of India vide SLP (Cri) No.-1779 of 2016 and also against the different clause of the agreement which has been entered between the petitioner and the District Manager, B.S.F.C., Aurangabad.

II. That the present writ application has been filed for the issuance of the appropriate writ order(s) or direction(s) in the nature of *Certiorari* to quash the letter bearing Memo No.2486 dated 16.03.2017 issued by the Managing Director, Bihar State Food and Civil Supplied Corporation Ltd. (*vide Annexure-6 to the writ application*); on the ground that the same is against the order dated 28.02.2017 passed by the Hon'ble Supreme Court of India vide SLP (Cri) No.-1779 of 2016 and also against the different clause of the agreement which has been entered between the petitioner and the District Manager, B.S.F.C, Aurangabad.

III. That the present writ application has been filed for the issuance of the appropriate writ order(s) or direction(s) in the nature of *Mandamus* for a direction to the Managing Director, B.S.F.C., Patna and the District Manager, B.S.F.C., Aurangabad to take bank guarantee as per the agreement between the petitioner and the Bihar and State Food and Civil Supplies Corporation;

IV. And for the issuance of any other relief or relief(s) for which the petitioner is entitled to in the facts and circumstances of the



present case.”

Shri Sumeet Kumar Singh, learned counsel for the petitioner invites our attention to the intervening developments which have taken place, post filing of the instant petition on 22nd of June, 2017.

According to learned counsel, Hon’ble Apex Court, with respect to the very same subject matter, in relation to similarly situated persons, has already expressed its views in the decision reported in (2018) 8 SCC 475 titled as Arvind Tiwary Vs. State of Bihar and another as also M.A. No. 1140 of 2019 arising out of Cr. Appeal No. 998 of 2018 titled as Arvind Tiwary Vs. State of Bihar and another.

On the other hand, Shri Shailendra Kumar Singh, learned counsel appearing for the respondents, clarifies that there are other orders passed by Hon’ble the Apex Court.

In view of the intervening developments, Shri Sumeet Kumar Singh, learned counsel for the petitioner states that the petition can be disposed of reserving liberty to the writ-petitioner to invite attention of the authorities of the passing of the orders by the Hon’ble Apex Court, referred to supra and its applicability to the petitioner’s case.

The request of the petitioner, in pursuing alternative remedies before an appropriate forum is not opposed by the



respondents, and rightly so.

As such, as prayed for, the present petition is disposed of as not pursued any further.

We have not expressed any opinion on merits, leaving it open for the parties to agitate the issue if so required and desired.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

