

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6572 of 2017

=====

Ajay Kumar Sharma, Son of Ram Naresh Sharma, Proprietor of M/s Jai Maa Vindhayawasini Mini Modern Rice Mill, resident of Village- Marai, P.S.- Daudnagar, 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., Rohtas (Sasaram), District-Aurangabad.
5. The Officer-in-Charge, Daudnagar, P.S. - Daudnagar, 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):

“I. 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.515 dated 12.04.2017 issued by the District Manager, State Food Corporation, Aurangabad (vide Annexure-8 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-4 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.”

It is brought to our notice, which fact is not disputed by any of the parties, that the issue, subject matter of the present petition is pending consideration before Hon’ble the Apex Court in 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.

As such, we dispose of the present petition with observation that parties shall be bound by the direction issued by the Hon’ble Apex Court in the said matter.

Needless to add, in the event of any action taken in the interregnum by the respondents, it shall be open for the writ-petitioner to invite attention thereof to the Hon’ble Apex Court in the proceedings already pending.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

