

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4276 of 2019

=====

Saudagar Sah, Son of Late Bito Sah, Resident of Mohana, Police Station-
Barauni, District-Begusarai, At present-Manas Mandir, Chandani Chauk,
Bishunpur, Police Station-Begusarai Town, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Co-operative Marketing Union, BISCAMAN Ltd through
Chairman, Patna-800001.
3. The Managing Director, BISCAMAN Bhawan, West Gandhi Maidan, Police
Station-Gandhi Maidan, Patna-800001.
4. The Finance Controller, BISCAMAN, Biscoman Bhawan, West Gandhi
Maidan, Police Station-Gandhi Maidan, Patna-800001.
5. Incharge Project Manager, G.F.P (Granular Fertilizer Factory), Tilrath,
Police Station-Barauni, District-Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar @ Ravindra Kr Rai
For the Respondent/s : Mr.Amit Prakash (Ga13)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-07-2020 Heard Mr. Ravindra Kumar Rai, the learned counsel

for the petitioner, the learned A.C. to G.A.13 and Mr. Vikash

Kumar, the learned counsel appearing on behalf of

BISCOMAUN.

The petitioner has filed this writ petition for issuance
of writ in the nature of mandamus directing the BISCOMAUN,
respondent no.2, to fix and pay revised pay scale of the
petitioner admissible to Fitter-cum-Welder and also to pay
difference amount due to wrong fixation and thereafter pay the
arrears after revising the pension amount.



The preliminary objection is raised with regard to the maintainability of the writ petition as no writ can be issued against a Co-operative Society, BISCOMAUN, in view of the law laid down by this Court in the case of Dehri C.D. & C.M. Union Ltd. v. the State of Bihar, reported in 2014 (1) PLJR 695.

Learned counsel for the petitioner submits that the Special Bench judgment is under consideration before the Hon'ble Apex Court.

In view of the law laid down by the Special Bench of this Court in the case of Dehri C.D. & C.M. Union Ltd. v. the State of Bihar, reported in 2014 (1) PLJR 695, the writ petition is not maintainable. Accordingly, the same is dismissed with liberty to the petitioner that if the Hon'ble Apex Court holds that the writ can be issued against the Co-operative Society, such as, BISCOMAUN, the petitioner may file fresh writ petition.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

