

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4897 of 2021

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Mukund Kumar Jha Son of Lal Mohan Jha, Resident at - Village- Warsaliganj,
Post - Mojahidpur- Bhawannipur, Police Station- Mojahidpur, District -
Bhagalpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary Co-operative Department, Second Floor, New Secretariat, Bailey Road, Patna - 800021.
2. The Chairman Bihar State Warehousing Corporation 1st Floor, Mouryalok Complex Patna (Bihar).
3. The Managing Director Bihar State Warehousing Corporation 1st Floor, Mouryalok Complex Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Abbas Haider, SC6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 26-11-2021

This matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for following reliefs:-

“For quashing the order No.168/SW dated 03.05.2017 passed by the Managing Director Bihar State Ware Housing Corporation Patna whereby and whereunder the Managing Director, Bihar State Ware Housing Corporation the respondent No.2 to this petition has dismissed the petitioner from Service on the ground of offence of co-accused in the matter of loss of Rs.6437154.00 during the period April 2016 to October 2016 from



Chaibasa godown when this petitioner was not in charge of Godown in question.”

Undisputedly, the petitioner has statutory remedy of appeal before the appellate authority. Without exhausting the statutory remedy of appeal petitioner has approached this Court in presenting the present petition. Hon’ble Apex Court in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others; AIR 2016 Supreme Court 3006** held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;



(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

(Emphasis supplied)

In the light of above facts and circumstances of the case read with Apex Court decision, the present petition stands disposed off reserving liberty to the petitioner to prefer appeal before the appellate authority.

The appellate authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay in presenting the appeal. Such appeal shall be filed within a period of four weeks from today. On receipt of the petitioner’s memorandum of appeal, appellate authority is hereby directed to decide the petitioner’s appeal within a period of six months from the date of receipt of the petitioner’s memorandum of appeal.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	01.12.2021
Transmission Date	N/A

